Tuesday,
24th July, 1956

LOK SABHA DEBATES

VOLUME V, 1956

(16th July to 10th August 1956

THIRTEENTH SESSION, 1956

LOK SABHA SECRETARIAT
NEW DELHI

CONTENTS

(Vol. V, Nos. 1—20—16th July to 10th August, 1956).

	COLUMNS
No. 1. *Monday, 16th July, 1956.*	
Member Sworn.....	1
Oral Answers to Questions—	
Starred Questions Nos. 1, 3 to 8, 10 to 12, 14 to 21, 23 to 25, 27, 29 to 31 .	1—29
Written Answers to Questions—	
Starred Questions Nos. 2, 9, 13, 22, 28, 32 to 34.	30—33
Unstarred Questions Nos. 1 to 22, 24, 25	33—44
Daily Digest	45—46
No. 2. *Tuesday, 17th July, 1956.*	
Oral Answers to Questions—	
Starred Questions Nos. 35, 39, 41, 42, 44 to 50, 52 to 57, 60 and 61 . .	47—75
Written Answers to Questions—	
Starred Questions Nos. 36 to 38, 40, 43, 51, 58, 59, 62 to 67 . . .	75—80
Unstarred Questions Nos. 26 to 59	80—96
Daily Digest	97—100
No. 3. *Wednesday, 18th July 1956.*	
Oral Answers to Questions—	
Starred Questions Nos. 68, 69, 71 to 74, 76, 78, 80, 82, 83, 85, 86, 88, 90 to 93, 96 to 99	101—29
Written Answers to Questions —	
Starred Questions Nos. 70, 75, 77, 79, 81, 84, 87, 89, 94, 95, 100 to 113, 115 to 128	129—44
Unstarred Questions Nos. 60 to 81, 83	144—52
Correction of Answer to Starred Question—	152—54
Daily Digest	155—58
No. 4. *Friday, 20th July, 1956.*	
Oral Answers to Questions—	
Starred Questions Nos. 129 to 132, 134, 136 to 138, 140, 141, 143, 147, 153, 156, 157, 135, 139	
Written Answers to Questions—	
Starred Questions Nos. 133, 144 to 146, 148, 149, 154, 155, 15	
Unstarred Questions Nos. 84 to 101	
Daily Digest	
No. 5. *Saturday, 21st July, 1956.*	
Oral Answers to Questions—	
Starred Questions Nos. 159 to 167, 169, 171, 172, 174 to 176, 180 to 186 .	203—31
Short Notice Question No. 1	231—35
Written Answers to Questions—	
Starred Questions Nos. 168, 170, 173, 177, 178, 187 to 196	235—40
Unstarred Questions Nos. 102 to 130	240—56
Daily Digest	257—60

No. 6. *Tuesday, 24th July, 1956.* COLUMNS

Oral Answers to Questions—

Starred Questions Nos. 197 to 202, 204 to 206, 208, 209 212, 213. 216 to 227, 215, 210 . . . . . 261—91

Written Answers to Questions—

Starred Questions Nos. 203, 207, 211, 214. . . . . 291—93

Unstarred Questions Nos. 131 to 139 . . . . . 293—98

Daily Digest . . . . . 299—300

No. 7. *Wednesday, 25th July, 1956.*

Oral Answers to Questions—

Starred Questions Nos. 228 to 242, 244 to 252, 254 and 255 . . . 301—30

Written Answers to Questions—

Starred Questions Nos. 243, 253, 256 to 286 . . . . . 330—42

Unstarred Questions Nos. 140 to 176 . . . . . 352—58

Daily Digest . . . . . 359—62

No. 8. *Thursday, 26th July, 1956.*

Oral Answers to Questions—

Starred Questions Nos. 287 to 292, 294 to 298, 300 to 302, 304 to 311, 314 363—91

Written Answers to Questions—

Starred Questions Nos. 293, 299, 303, 312, 313, 315 to 339, 341 . . 391—404

Unstarred Questions Nos. 177 to 210 . . . . . 404—16

Daily Digest . . . . . 417—20

No. 9. *Friday, 27th July, 1956.*

Oral Answers to Questions—

Starred Questions Nos. 342, 344, 346 to 348, 354, 374, 349 to 353, 355, 356, 358, 359, 361 and 362 . . . . . 421—45

Short Notice Questions Nos. 2 to 4 . . . . . 445—57

Written Answers to Questions—

Starred Questions Nos. 343, 345, 357, 360, 364 to 373, 375 to 382, 384 to 393 . . . . . 457—70

Unstarred Questions Nos. 212 to 240 . . . . . 470—82

Daily Digest . . . . . 483—86

No. 10. *Saturday, 28th July, 1956.*

Oral Answers to Questions—

Starred Questions Nos. 396, 398 to 400, 402 to 406, 408, 411, 412, 415, 417, 418, 420, 421, 423, 426, 429, 431, 432, 435, 436 . . . . . 487—515

Short Notice Question No. 5 . . . . . 515—18

Written Answers to Questions—

Starred Questions Nos. 394, 395, 397, 401, 407, 409, 410, 413, 414, 416, 419, 424, 425, 428, 430, 433, 434, 437, 438 to 447 . . . . . 518—29

Unstarred Questions Nos. 241 to 261 . . . . . 529—38

Daily Digest . . . . . 539—40

	COLUMNS
No. 11. *Monday, 30th July, 1956.*	
Oral Answers to Questions—	
Starred Questions Nos. 451 to 454, 456 to 460, 462, 463, 466, 468, 469, 471 to 477, 479, 480	541—69
Written Answers to Questions—	
Starred Questions Nos. 448 to 450, 455, 461, 464, 465, 467, 470, 478, 481 to 500	569—82
Unstarred Questions Nos. 262 to 296	582—98
Daily Digest	599—602
No. 12. *Tuesday, 31st July, 1956.*	
Oral Answers to Questions—	
Starred Questions Nos. 505 to 509, 511 to 522, 525, 528, 529, 531, 534 to 536	603—32
Written Answers to Questions—	
Starred Questions Nos. 501 to 504, 510, 523, 524, 526, 527, 530, 532, 533, 537 to 539, 541 to 557	632—44
Unstarred Questions Nos. 297 to 336	644—58
Daily Digest	659—74
No. 13. *Wednesday, 1st August, 1956.*	
Oral Answers to Questions—	
Starred Questions Nos. 560, 561, 563 to 565, 567, 568, 571, 573 to 577, 579, 580	675—91
Written Answers to Questions—	
Starred Questions Nos. 558, 559, 562, 566, 569, 570, 572, 578, 581 to 598, 600 to 606, 608 and 609	691—703
Unstarred Questions Nos. 337 to 351	704—10
Daily Digest	711—12
No. 14. *Thursday, 2nd August, 1956.*	
Oral Answers to Questions—	
Starred Questions Nos. 611, 613 to 617, 619 to 624, 626 to 629, 631 to 634, 637, 638, 640 to 642, 644	713—40
Written Answers to Questions—	
Starred Questions Nos. 610, 612, 618, 625, 630, 635, 636, 639, 643, 645 to 672	740—56
Unstarred Questions Nos. 352 to 382	756—70
Daily Digest	771—74
No. 15. *Friday, 3rd August, 1956.*	
Oral Answers to Questions—	
Starred Questions Nos. 673 to 678, 680, 682 to 684, 686, 687, 690, 691, 693, 695 to 698, 701 to 705	775—803
Written Answers to Questions—	
Starred Questions Nos. 679, 681, 685, 688, 689, 692, 694, 700, 706 to 721	803—12
Unstarred Questions Nos. 383 to 412 and 414	812—26
Daily Digest	827—30
No. 16. *Monday, 6th August, 1956.*	
Oral Answers to Questions—	
Starred Questions Nos. 722 to 727, 729 to 733, 735 to 737, 741 to 743, 746, 748 to 750.	831—58
Short Notice Question No. 6	858—5
Written Answers to Questions—	
Starred Questions Nos. 728, 734, 738 to 740, 745, 747, 751 to 755, 757 to 776, 778 to 780, 782, 783.	860—7
Unstarred Questions Nos. 415 to 439, 441 to 443	874—8
Daily Digest	887—90

No. 17. *Tuesday, 7th August,* 1956. COLUMNS

Oral Answers to Questions—
Starred Questions Nos. 784, 786, 787, 789, 790, 792 to 797, 799 to 803, 805 806, 808 to 810 . . . . . 851—917
Short Notice Question No. 7 917
Written Answers to Questions—
Starred Questions Nos. 785, 788, 791, 798, 804, 807, 811 to 836, 838 to 847 . 918—34
Unstarred Questions Nos. 444 to 486, 488 to 494 . . . . . 934—57
Daily Digest . . . . . 957—60

No. 18. *Wednesday, 8th August,* 1956.

Oral Answers to Questions—
Starred Questions Nos. 848 to 867, 869, 870 . . . . 961—88
Written Answers to Questions—
Starred Questions Nos. 868, 871 to 893 . . . . 988—97
Unstarred Questions Nos. 495 to 529 . . . . 997—1012
Daily Digest . . . . . 1013—16

No. 19. *Thursday, 9th August,* 1956.

Oral Answers to Questions—
Starred Questions Nos. 894, 896 to 900, 903, 905 to 907, 909, 914, 915, 918, 921 to 923, 925 to 931 . . . . . 1017—44
Written Answers to Questions—
Starred Questions Nos. 895, 901, 902, 904, 908, 910 to 913, 916, 917, 919, 920, 924, 932 to 942 . . . . . 1044—52
Unstarred Questions Nos. 530 to 553 . . . . . 1052—62
Daily Digest . . . . . 1063—64

No. 20. *Friday,* 10*th August,* 1956.

Oral Answers to Questions—
Starred Questions Nos. 944 to 947, 949, 950, 953 to 957, 959 to 964, 966, 984, 967, 968 . . . . . 1065—93
Short Notice Question No. 8 1093
Written Answers to Questions—
Starred Questions Nos. 943, 948, 951, 952, 958, 965, 969 to 983, 985 to 993 . 1094—1104
Unstarred Questions Nos. 554 to 603 . . . . . 1104—27
Daily Digest . . . . . 1127—30
Index . . . . . I—172

LOK SABHA

ALPHABETICAL LIST OF MEMBERS

A

Abdullabhai, Mulla Taherali Mulla (Chanda).

Abdus Sattar, Shri (Kalna-Katwa).

Achal Singh, Seth [Agra Distt. (West)].

Achalu, Shri Sunkam (Nalgonda—Reserved—Sch. Castes).

Achint Ram, Lala (Hissar).

Achuthan, Shri K. T. (Crangannur).

Agarawal, Shri Hoti Lal [Jalaun Distt. *cum* Etawah Distt.—(West) *cum* Jhansi Distt.—(North)].

Agrawal, Shri Mukund Lal [Pilibhit Distt. *cum* Bareilly Distt.—(East)].

Ajit Singh, Shri (Kapurthala-Bhatinda—Reserved—Sch. Castes).

Ajit Singhji, General (Sirohi-Pali).

Akarpuri, Sardar Teja Singh (Gurdaspur).

Alagesan, Shri O. V. (Chingleput).

Altekar, Shri Ganesh Sadashiv (North Satara).

Alva, Shri Joachim (Kanara).

Amin, Dr. Indubhai B. (Baroda West).

Amjad Ali, Shri (Goalpara-Garo Hills).

Amrit Kaur, Rajkumari (Mandi-Mahasu).

Anandchand, Shri (Bilaspur).

Ansari, Dr. Shaukatullah Shah (Bidar).

Anthony, Shri Frank (Nominated—Anglo-Indians).

Asthana, Shri Sita Rama (Azamgarh Distt.—West).

Ayyangar, Shri M. Ananthasayanam (Tirupati).

Azad, Maulana Abul Kalam (Rampur Distt. *cum* Bareilly Distt.—West).

Azad, Shri Bhagwat Jha (Purnea *cum* Santhal Parganas).

B

Babunath Singh, Shri (Surguja-Raigarh—Reserved—Sch. Tribes).

Badam Singh, Chowdhary (Budaun Distt.—West).

Bagdi, Shri Magan Lal (Mahasamund).

Bahadur Singh, Shri (Ferozepore-Ludhiana—Reserved—Sch. Castes).

Balakrishnan, Shri S. C. (Erode—Reserved—Sch. Castes).

Balasubramaniam, Shri S. (Madurai).

Baldev Singh, Sardar (Nawan Shahr).

Balmiki, Shri Kanhaiya Lal (Bulandshah Distt.—Reserved—Sch. Castes).

Banerjee, Shri Durga Charan (Midnapore-Jhargram).

Bansal, Shri Ghamandi Lal (Jhajjar-Rewari).

Bansilal, Shri (Jaipur).

Barman, Shri Upendranath (North Bengal—Reserved—Sch. Castes).

Barrow, Shri A. E. T. (Nominated—Anglo-Indians).

Barupal, Shri Panna Lall (Ganganagar-Jhunjhunu—Reserved—Sch. Castes).

Basappa, Shri C. R. (Tumkur).

Basu, Shri A. K. (North Bengal).

Basu, Shri Kamal Kumar (Diamond Harbour).

Bhagat, Shri B. R. (Patna *cum* Shahabad).

Bhakt Darshan, Shri [Garhwal Distt.—(East) *cum* Moradabad Distt.—(North-East)]

Bharati, Shri Goswamiraja Sahdeo (Yeotmal).

Bhargava, Pandit Mukat Behari Lal (Ajmer South).

Bhargava, Pandit Thakur Das (Gurgaon).

Bhartiya, Shri Shaligram Ramchandra (West Khandesh).

Bhatkar, Shri Laxman Shrawan (Buldana-Akola—Reserved—Sch. Castes).

B—*contd.*

Bhatt, Shri Chandrashanker (Broach).

Bhawani Singh, Shri (Barmer-Jalore).

Bhawanji, Shri (Kutch West).

Bheekha Bhai, Shri (Banswara—Dungarpur—Reserved—Sch. Tribes).

Bhonsle, Shri Jagannathrao Krishna Rao (Ratnagiri North).

Bidari, Shri Ramappa Balappa (Bijapur South).

Birbal Singh, Shri [Jaunpur Distt.—(East)].

Biren Dutt, Shri (Tripura West).

Bogawat, Shri U. R. (Ahmednagar South).

Boovaraghasamy, Shri V. (Perambalur).

Borkar, Shrimati Anusayabai (Bhandara—Reserved—Sch. Castes).

Borooah, Shri Dev Kanta (Nowgong).

Bose, Shri P. C. (Manbhum North).

Brajeshwar Prasad, Shri (Gaya East).

Brohmo-Chaudhury, Shri Sitanath (Goalpara-Garo Hills—Reserved—Sch. Tribes).

Buchhikotaiah, Shri Sanaka (Masulipatnam).

C

Chakravartty, Shrimati Renu (Basirhat).

Chaliha, Shri Bimalaprosad (Sibsagar—North-Lakhimpur).

Chanda, Shri Anil Kumar (Birbhum).

Chandak, Shri B. L. (Betul).

Chandrasekhar, Shrimati M. (Tiruvallur—Reserved—Sch. Castes).

Charak, Th. Lakshman Singh (Jammu and Kashmir).

Chatterjea, Shri Tushar (Serampore).

Chatterjee, Dr. Susilranjan (West Dinajpur).

Chatterjee, Shri N. C. (Hooghly).

Chattopadhyaya, Shri Harindranath (Vijayavada).

Chaturvedi, Shri Rohanlal [Etah Distt.—(Central)].

Chaudhary, Shri Ganeshi Lal [Shahjahanpur Distt.—(North) *cum* Kheri—(East)—Reserved—Sch. Castes].

Chaudhuri, Shri Tridib Kumar (Berhampore).

Chavda, Shri Akbar (Banaskantha).

Chettiar, Shri N. Vr. N. Ar. Nagappa (Ramanathapuram).

Chettiar, Shri T. S. Avinashilingam (Tiruppur).

Chowdary, Shri C. R. (Narasaraopet).

Chowdhury, Shri Nikunja Behari (Ghatal).

D

Dabhi, Shri Fulsinhji B. (Kaira North).

Damar, Shri Amar Singh Sabji (Jhabua—Reserved—Sch. Tribes).

Damodaran, Shri G. R. (Pollachi).

Damodaran, Shri Nettur P. (Tellicherry).

Das, Dr. Mono Mohon (Burdwan—Reserved—Sch. Castes).

Das, Shri B. (Jaipur-Keonjhar).

Das, Shri Basanta Kumar (Contai).

Das, Shri Beli Ram (Barpeta).

Das, Shri Bijoy Chandra (Ganjam South).

Das, Shri Kamal Krishna (Birbhum—Reserved—Sch. Castes).

Das, Shri Nayan Tara (Monghyr Sadr *cum* Jamui—Reserved—Sch. Castes).

Das, Shri Ram Dhani (Gaya East.—Reserved—Sch. Castes).

Das, Shri Ramananda (Barrackpore).

Das, Shri Sarangadhar (Dhenkanal-V Cuttack).

Das, Shri Shree Narayan (Darbhanga Central)

Dasaratha Deb, Shri (Tripura East).

Datar, Shri Balwant Nagesh (Belgaum North).

Deb, Shri Suresh Chandra (Cachar-Lushai Hills).

Deo, H. H. Maharaja Rajendra Narayan Singh (Kalahandi-Bolangir).

Deogam, Shri Kanhu Ram (Chaibassa—Reserved—Sch. Tribes).

Desai, Shri Kanayalal Nanabhai (Surat).

Desai, Shri Khandubhai Kasanji (Halar).

Deshmukh, Dr. Panjabrao S. (Amravati East).

D—*contd.*

Deshmukh, Shri Chintaman Dwarkanath (Kolaba).

Deshmukh, Shri K. G. (Amravati West).

Deshpande, Shri Govind Hari (Nasik Central).

Deshpande, Shri Vishnu Ghanashyam (Guna).

Dholakia, Shri Gulab Shankar Amritlal (Kutch East).

Dhulekar, Shri R. V. [Jhansi Distt.—(South)].

Dhusiya, Shri Sohan Lal (Basti Distt.—(Central-East) *cum* Gorakhpur Distt.—(West)—Reserved—Sch. Caste].

Digambar Singh, Shri (Etah Distt.—(West *cum* Mainpuri Distt.—(West) *cum* Mathura Distt.—(East)].

Diwan, Shri Raghavendrarao Srinivasrao (Osmanabad).

Dube, Shri Mulchand [Farrukhabad Distt. (North)].

Dube, Shri Udai Shankar [Basti Distt. (North)].

Dubey, Shri Rajaram Giridharlal (Bijapur North).

Dutt, Shri Asim Krishna (Calcutta South-West).

Dutta, Shri Santosh Kumar (Howrah).

Dwivedi, Shri Dashrath Prasad (Gorakhpur Distt.—Central).

Dwivedi, Shri M. L. (Hamirpur Distt.).

E

Eacharan, Shri Iyyunni (Ponnani—Reserved—Sch. Castes).

Ebenezer, Dr. S. A. (Vikarabad).

Elayaperumal, Shri L. (Cuddalore—Reserved—Sch. Castes).

F

Fotedar, Pandit Sheo Narayan (Jammu and Kashmir).

G

Gadgil, Shri Narhar Vishnu (Poona Central)

Gadilingana Gowd, Shri (Kurnool).

Gami Mailudora, Shri (Visakhapatnam—Reserved—Sch. Tribes).

Gandhi, Shri Feroze [Pratapgarh Distt. (West) *cum* Rae Bareli Distt. (East)].

Gandhi, Shri Maneklal Maganlal (Panch Mahals *cum* Baroda East).

Gandhi, Shri V. B. (Bombay City—North).

Ganga Devi, Shrimati (Lucknow Distt. *cum* Bara Banki Distt.—Reserved—Sch. Castes).

Ganpati Ram, Shri [Jaunpur Distt. (East)—Reserved—Sch. Castes)].

Garg, Shri Ram Pratap (Patiala).

Gautam, Shri C. D. (Balaghat).

Ghose, Shri Surendra Mohan (Malda).

Ghosh, Shri Atulya (Burdwan).

Ghulam Qader, Shri (Jammu and Kashmir).

Gidwani, Shri Choithram Partabrai (Thana)

Giri, Shri V. V. (Pathapatnam).

Giridhari Bhoi, Shri (Kalahandi-Bolangir) Reserved—Sch. Tribes).

Gohain, Shri Chowkhamoon (Nominated—Assam Tribal Areas).

Gopalan, Shri A. K. (Cannanore).

Gopi Ram, Shri (Mandi-Mahasu—Reserved—Sch. Castes).

Gounder, Shri K. Periaswami (Erode).

Gounder, Shri K. [Sakthivadivel (Periyakulam).

Govind Das, Seth (Mandla-Jabalpur South).

Guha, Shri Arun Chandra (Santipur).

Gupta, Shri Badshah (Mainpuri Distt.—East).

Gupta, Shri Sadhan Chandra (Calcutta—South—East).

Gurupadaswamy, Shri M. S. (Mysore).

H

Hansda, Shri Benjamin (Purnea *cum* Santa Parganas—Reserved—Sch. Tribes).

Hari Mohan, Dr. (Manbhum North—Reserved—Sch. Castes).

Hasda, Shri Subodh (Midnapore-Jhargram—Reserved—Sch. Tribes).

H—*contd.*

Hazarika, Shri Jogendra Nath (Dibrugarh).

Heda, Shri H. C. (Nizamabad).

Hembrom, Shri Lal (Santal Parganas *cum* Hazaribagh—Reserved—Sch. Tribes).

Hem Raj, Shri (Kangra).

Hukam Singh, Sardar (Kapurthala-Bhatinda).

Hyder Husein, Chaudhri (Gonda Distt.—North).

I

Ibrahim, Shri A. (Ranchi North-East).

Iqbal Singh, Sardar (Fazilka-Sirsa).

Islamuddin, Shri Muhammad (Purnea—North-East).

Iyyunni, Shri C. R. (Trichur).

J

Jagjivan Ram, Shri (Shahabad South—Reserved—Sch. Castes).

Jain, Shri Ajit Prasad (Saharanpur Distt.—West *cum* Muzaffarnagar Distt.—North).

Jain, Shri Nemi Saran (Bijnor Distt.—South).

Jaipal Singh, Shri (Ranchi West—Reserve d—Sch. Tribes).

aisoorya, Dr. N. M. (Medak).

ajware, Shri Ramraj (Santal Parganas *cum* Hazaribagh).

Jangde, Shri Resham Lal (Bilaspur—Reserved—Sch. Castes).

Jatav-vir, Dr. Manik Chand (Bharatpur-Sawai Madhopur—Reserved—Sch. Castes).

Jayaraman, Shri A. (Tindivanam—Reserved—Sch. Castes).

Jayashri, Shrimati (Bombay-Suburban).

Jena, Shri Kanhu Charan (Balasore—Reserved—Sch. Castes).

Jena, Shri Lakshmidhar (Jaipur-Keonjhar—Reserved—Sch. Castes).

Jena, Shri Niranjan (Dhenkanal-West Cuttack—Reserved—Sch. Castes).

ethan, Shri Kherwar (Palamau *cum* Hazaribagh *cum* Ranchi—Reserved—Sch. Tribes).

Jhunjhunwala, Shri Banarsi Prasad (Bhagalpur Central).

Jogendra Singh, Sardar (Bahraich Distt.—West).

Joshi, Shri Anand Chandra (Shahdol-Sidhi).

Joshi, Shri Jethalal Harikrishna (Madhya Saurashtra).

Joshi, Shri Krishnacharya (Yadgir).

Joshi, Shri Liladhar (Shajapur-Rajgarh).

Joshi, Shri Moreshwar Dinkar (Ratnagiri South).

Joshi, Shri Nandlal (Indore).

Joshi, Shrimati Subhadra (Karnal).

Jwala Prashad, Shri (Ajmer North).

K

Kachiroyar, Shri N. D. Govindaswami (Cuddalore).

Kajrolkar, Shri Narayan Sadoba (Bombay City—North—Reserved—Sch. Castes).

Kakkan, Shri P. (Madurai—Reserved—Sch. Castes).

Kale, Shrimati Anasuyabai (Nagpur).

Kamal Singh, Shri (Shahabad—North-West).

Kamath, Shri Hari Vishnu (Hoshangabad).

Kamble, Dr. Devrao Nambevrao (Nanded—Reserved—Sch. Castes).

Kandasamy, Shri S. K. Babie (Tiruchengode).

Kanungo, Shri Nityanand (Kendrapara).

Karmarkar, Shri D. P. (Dharwar North).

Karni Singhji, His Highness Maharaja Shri Bahadur of Bikaner (Bikaner-Churu).

Kasliwal, Shri Nemi Chandra (Kotah-Jhalawar).

Katham, Shri Birendranath (North Bengal—Reserved—Sch. Tribes).

Katju, Dr. Kailas Nath (Mandsaur).

Kayal, Shri Paresh Nath (Basirhat—Reserved—Sch. Castes).

Kazmi, Shri Syed Mohammad Ahmad (Sultanpur Distt.—North *cum* Faizabad Distt.—South-West).

Kelappan, Shri K. (Ponnani).

Keshavaiengar, Shri N. (Bangalore North).

K—*contd.*

Keskar, Dr. B. V. (Sultanpur Distt.—South).

Khan, Shri Sadath Ali (Ibrahimpatnam).

Khardekar, Shri B. H. (Kolhapur *cum* Satara).

Khare, Dr. N. B. (Gwalior).

Khedkar, Shri Gopalrao Bajirao (Buldana. Akola).

Khongmen, Shrimati B. (Autonomous Distts. —Reserved—Sch. Tribes).

Khuda Baksh, Shri Muhammed (Murshidabad).

Kirolikar, Shri Wasudeo Shridhar (Durg).

Kolay, Shri Jagannath (Bankura).

Kottukappally, Shri George Thomas (Meenachil).

Kripalani, Acharya J. B. (Bhagalpur *cum* Purnea).

Krishna, Shri M. R. (Karimnagar—Reserved —Sch. Castes).

Krishna Chandra, Shri (Mathura Distt.— West).

Krishnamachari, Shri T. T. (Madras).

Krishnappa, Shri M. V. (Kolar).

Krishnaswami, Dr. A. (Kancheepuram).

Kureel, Shri Baij Nath (Pratapgarh Distt.— West *cum* Rae Bareli Distt.—East—Reserved—Sch. Castes).

Kureel, Shri Piare Lal (Banda Distt. *cum* Fatehpur Distt.—Reserved—Sch. Castes).

L

Lakshmayya, Shri Paidi (Anantapur).

Lal Singh, Sardar (Ferozepur-Ludhiana).

Lallanji, Shri (Faizabad Distt.—North-West).

Laskar, Shri Nibaran Chandra (Cachar-Lushai Hills—Reserved—Sch. Castes).

Lingam, Shri N. M. (Coimbatore).

Lotan Ram, Shri (Jalaun Distt. *cum* Etawah Distt.—West *cum* Jhansi Distt.—North—Reserved—Sch. Castes).

M

Madiah Gowda, Shri (Bangalore South).

Mahapatra, Shri Sibnarayan Singh (Sundargarh—Reserved—Sch. Tribes).

Mahata, Shri Bhajaharf (Manbhum South *cum* Dhalbhum).

Mahodaya, Shri Vaijanath (Nimar).

Maitra, Shri Mohit Kumar(Culcutta—North West).

Majhi, Shri Chaitan (Manbhum—South *cum* Dhalbhum—Reserved—Sch. Tribes).

Majhi, Shri Ram Chandra (Mayurbhanj—Reserved—Sch. Tribes).

Majithia, Sardar Surjit Singh (Taran Taran).

Malaviya, Shri Keshava Deva (Gonda Distt.— East *cum* Basti Distt.— West).

Malliah, Shri U. Srinivasa (South Kanara—North).

Malvia, Shri Bhagu-Nandu (Shajapur-Rajgarh —Reserved—Sch. Castes).

Malviya, Pandit Chatur Narain (Raisen).

Malviya, Shri Motilal (Chhatarpur-Datia-Tikamgarh—Reserved—Sch. Castes).

Mandal, Dr. Pashupati (Bankura—Reserved—Sch. Castes).

Mascarene, Kumari Annie (Trivandrum).

Masuodi, Maulana Mohammad Saeed (Jammu and Kashmir).

Masuriya Din, Shri (Allahabad Distt.— East *cum* Jaunpur Distt.—West—Reserved—Sch. Castes).

Mathew, Shri C. P. (Kottayam).

Mathuram, Dr. Edward Paul (Tiruchirapalli).

Matthen, Shri C. P. (Thiruvellah).

Mavalankar, Shrimati Sushila (Ahmedabad

Maydeo, Shrimati Indira A. (Poona South).

Mehta, Shri Asoka (Bhandara).

Mehta, Shri Balvantray Gopaljee (Gohilwad).

Mehta, Shri Balwant Sinha (Udaipur).

Mehta, Shri Jaswantraj (Jodhpur).

Menon, Shri K. A. Damodara (Kozhikode).

Minimata, Shrimati (Bilaspur-Durg-Raipur —Reserved—Sch. Castes).

Mishra, Pandit Suresh Chandra (Monghyr North-East).

Mishra, Shri Bibhuti (Saran *cum* Champaran).

Mishra, Shri Lalit Narayan (Darbhanga *cum* Bhagalpur).

M—*contd.*

Mishra, Shri Lokenath (Puri).

Mishra, Shri Mathura Prasad (Monghyr—North-West).

Mishra, Shri Shyam Nandan (Darbhanga—North).

Misra, Pandit Lingaraj (Khurda).

Misra, Shri Bhupendra Nath (Bilaspur-Durg-Raipur).

Misra, Shri Raghubar Dayal (Bulandshahr Distt.).

Misra, Shri Sarju Prasad (Deoria Distt.—South).

Missir, Shri Vijineshwar (Gaya North).

Mohd. Akbar, Sofi (Jammu and Kashmir).

Mohiuddin, Shri Ahmed (Hyderabad City).

Morarka, Shri Radheshyam Ramkumar (Ganganagar-Jhunjhunu).

More, Shri K. L. (Kolhapur *cum* Satara—Reserved—Sch. Castes).

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Muhammed Shafee, Chaudhuri (Jammu and Kashmir).

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Muniswamy, Shri V. (Tindivanam).

Murli Manohar, Shri (Ballia Distt. East).

Murthy, Shri B. S. (Eluru).

Musafir, Giani Gurmukh Singh (Amritsar).

Mushar, Shri Kirai (Bhagalpur *cum* Purnea—Reserved—Sch. Castes).

Muthukrishnan, Shri M. (Vellore—Reserved—Sch. Castes).

N

Naidu, Shri Nalla Reddi (Rajahmundry).

Nair, Shri C. Krishnan (Outer Delhi).

Nair, Shri N. Sreekantan (Quilon *cum* Mavelikkara).

Nambiar, Shri K. Ananda (Mayuram).

Nanadas, Shri Mangalagiri (Ongole—Reserved—Sch. Castes).

Nanda, Shri Gulzarilal (Sabarkantha).

Narasimham, Shri S. V. L. (Guntur).

Narasimhan, Shri C. R. (Krishnagiri).

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Natawadkar, Shri Jayantrao Ganpat (West Khandesh—Reserved—Sch. Tribes).

Nathani, Shri Hari Ram (Bhilwara).

Nathwani, Shri Narendra P. (Sorath).

Nayar, Shri V. P. (Chirayinkil).

Nehru, Shri Jawaharlal (Allahabad Distt.—East *cum* Jaunpur Distt.—West).

Nehru, Shrimati Shivraj Vati (Lucknow Distt.—Central)

Nehru, Shrimati Uma (Sitapur Distt. *cum* Kheri Distt.—West).

Nesamony, Shri A. (Nagercoil).

Neswi, Shri T. R. (Dharwar—South).

Nevatia, Shri R. P. (Sahjahanpur Distt.—North *cum* Kheri—East).

Nijalingappa, Shri S. (Chitaldrug).

P

Palchoudhury, Shrimati Ila (Nabadwip).

Pande, Shri Badri Dutt (Almora Distt.—North—East).

Pande, Shri C. D. (Naini Tal Distt. *cum* Almora Distt.—South-West *cum* Bareilly Distt.—North).

Pandey, Dr. Natabar (Sambalpur).

Pannalal, Shri (Faizabad Distt.—North-West—Reserved—Sch. Castes).

Paragi Lal, Chaudhari (Sitapur Distt. *cum* Kheri Distt.—West—Reserved—Sch. Castes).

Paranjpe, Shri R. G. (Bhir).

Parekh, Dr. Jayantilal Narbheram (Zalawad).

Parikh, Shri Shantilal Girdharilal (Mehsana East).

P—*contd.*

Parmar, Shri Rupaji Bhavji (Panch Mahals *cum* Baroda East—Reserved—Sch. Tribes).

Pataskar, Shri Hari Vinayak (Jalgaon).

patel, Shri Bahadurbhai Kunthabhai (Surat —Reserved—Sch. Tribes).

Patel, Shri Rajeshwar (Muzaffarpur *cum* Darbhanga).

Patel, Shrimati Maniben Vallabhbhai (Kaira South).

Pateria, Shri Sushil Kumar (Jabalpur North).

Patil, Shri P. R. Kanavade (Ahmednagar North).

Patil, Shri S. K. (Bombay City—South).

Patil, Shri Shankargauda Veeranagauda (Belgaum South).

Patnaik, Shri Uma Charan (Ghumsur).

Pawar, Shri Vyankatrao Pirajirao (South Satara).

Pillai, Shri P. T. Thanu (Tirunelveli).

Pocker Saheb, Shri B. (Malaopuram).

Prabhakar, Shri Naval (Outer Delhi—Reserved—Sch. Castes).

Punnoose, Shri P. T. (Allenney).

R

Rachiah, Shri N. (Mysore—Reserved—Sch. Castes).

Radha Raman, Shri (Delhi City).

Raghavachari, Shri K. S. (Penukonda).

Raghavaiah, Shri Pisupati Vekata (Ongole).

Raghubir Sahai, Shri (Etah Distt.—North-East *cum* Budaun Distt—East).

Raghubir Singh, Choudhary (Agra Distt.—East).

Raghunath Singh, Shri (Banaras Distt.—Central).

Raghuramaiah, Shri Kotha (Tenali).

Rahman, Shri M. Hifzur (Moradabad Distt.—Central).

Raj Bahadur, Shri (Jaipur-Sawai Madhopur).

Rajabhoj, Shri P. N. (Sholapur— Reserved —Sch. Castes).

Ramachander, Dr. D. (Vellore).

Ramanand Shastri, Swami (Unnao Distt. *cum* Rae Bareli Distt.—West *cum* Hardoi-Distt.—South-East—Reserved—Sch. Castes)

Ramananda Tirtha, Swami (Gulberga).

Ramasami, Shri M. D. (Arruppukkottai).

Ramaseshaiah, Shri N. (Parvathipuram).

Ramaswamy, Shri P. (Mahbubnagar—Reserved—Sch. Castes).

Ramaswamy, Shri S. V. (Salem).

Ram Dass, Shri (Hoshiarpur—Reserved —Sch. Castes).

Ram Krishan, Shri (Mohindergarh).

Ramnarayan Singh, Babu (Hazaribagh West).

Ram Saran, Shri (Moradabad Distt.—West).

Ram Shankar Lal, Shri (Basti Distt.—Central-East *cum* Gorakhpur Distt.—West).

Ram Subhag Singh, Dr. (Shahabad South)

Ranbir Singh, Ch. (Rohtak).

Randaman Singh, Shri (Shahdol-Sidhi —Reserved—Sch. Tribes).

Rane, Shri Shivram Rango (Bhusaval).

Ranjit Singh, Shri (Sangrur).

Rao, Dr. Ch. V. Rama (Kakinada).

Rao, Shri B. Rajagopala (Srikakulam).

Rao, Shri B. Shiva (South Kanara—South)

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Rao, Shri P. Subba (Nowrangpur).

Rao, Shri Pendyal Raghava (Warangal).

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Rao, Shri T. B. Vittal (Khammam).

Raut, Shri Bhola (Saran *cum* Champaran —Reserved—Sch. Castes).

Ray, Shri Birakisor (Cuttack).

Razmi, Shri Said Ullah Khan (Sehore).

R—*contd.*

Reddi, Shri B. Ramachandra (Nellore).

Reddi, Shri C. Madhao (Adilabad).

Reddi, Shri Y. Eswara (Cuddapah).

Reddy, Shri Baddam Yella (Karimnagar).

Reddy, Shri K. Janardhan (Mahbubnagar).

Reddy, Shri Ravi Narayan (Nalgonda).

Reddy, Shri T. N. Vishwanatha (Chittoor).

Richardson, Bishop John (Nominated—Andaman and Nicobar Islands).

Rishang Keishing, Shri (Outer Manipur —Reserved—Sch. Tribes).

Roy, Dr. Satyaban (Uluberia).

Roy, Shri Bishwa Nath (Deoria Distt. —West).

Rup Narain, Shri (Mirzapur Distt. *cum* Banaras Distt.—West—Reserved—Sch. Castes).

S

Sahaya, Shri Syamnandan (Muzaffarpur Central).

Sahu, Shri Bhagabat (Balasore).

Sahu, Shri Rameshwar (Muzaffarpur *cum* Darbhanga—Reserved—Sch. Castes).

Saigal, Sardar Amar Singh (Bilaspur).

Saksena, Shri Mohanlal (Lucknow Distt. *cum* Bara Banki Distt.).

Samanta, Shri Satis Chandra (Tamluk).

Sanganna, Shri T. (Rayagada-Phulbani—Reserved—Sch. Tribes).

Sankarapandian, Shri M. (Sankaranayinarkovil).

Sarma, Shri Debendra Nath (Gauhati).

Sarmah, Shri Debeswar (Golaghat-Jorhat).

Satish Chandra, Shri (Bareilly Distt. South).

Satyawadi, Dr. Virendra Kumar (Karnal —Reserved—Sch. Castes).

Sen, Shri Phani Gopal (Purnea Central).

Sen, Shri Raj Chandra (Kotah-Bundi).

Sen, Shrimati Sushama (Bhagalpur South).

Sewal, Shri A. R. (Chamba-Sirmur).

Shah, Her Highness Rajmata Kamlendu Mati (Garhwal Distt.—West *cum* Tehri Garhwal Distt. *cum* Bijnor Distt.—North.)

Shah, Shri Chimanlal Chakubhai (Gohilwad-Sorath).

Shah, Shri Raichand Bhai N. (Chhindwara).

Shahnawaz Khan, Shri (Meerut Distt. —North-East).

Shakuntala Nayar, Shrimati (Gonda Distt. —West).

Sharma, Pandit Balkrishna (Kanpur Distt. —South *cum* Etawah Distt.—East).

Sharma, Pandit Krishna Chandra (Meerut Distt.—South).

Sharma, Shri Diwan Chand (Hoshiarpur).

Sharma, Shri Khushi Ram (Meerut Distt. —West).

Sharma, Shri Nand Lal (Sikar).

Sharma, Shri Radha Charan (Morena-Bhind).

Shastri, Shri Algu Rai (Azamgarh Distt. —East *cum* Ballia Distt.—West).

Shastri, Shri Raja Ram (Kanpur Distt—Central).

Shivananjappa, Shri M. K. (Mandya).

Shobha Ram, Shri (Alwar).

Shriman Narayan, Shri (Wardha).

Shukla, Pandit Bhagwaticharan (Durg-Bastar).

Siddananjappa, Shri H. (Hassan Chikmagalur).

Singh, Shri C. Sharan (Surguja-Raigarh).

Singh, Shri Digvijaya Narain (Muzaffarpur —North-East).

Singh, Shri Dinesh Pratap (Bahraich Distt.—East).

Singh, Shri Girraj Saran (Bharatpur-Sawai Madhopur).

Singh, Shri Har Prasad (Ghazipur Distt. —West).

Singh, Shri L. Jogeswar (Inner Manipur).

Singh, Shri Mahendra Nath (Saran Central).

Singh, Shri Ram Nagina (Ghazipur Distt. —East *cum* Ballia Distt.—South-West).

S—*contd.*

Singh, Shri Tribhuan Narayan (Banaras Distt.—East).

Singhal, Shri Shri Chand (Aligarh Distt.)

Sinha, Dr. Satyanarain (Saran East).

Sinha, Shri Anirudha (Darbhanga East)

Sinha, Shri Awadheshwar Prasad (Muzaffarpur East).

Sinha, Shri Banarsi Prasad (Monghyr Sadr *cum* Jamui).

Sinha, Shri Gajendra Prasad (Palamau *cum* Hazaribagh *cum* Ranchi).

Sinha, Shri Jhulan (Saran North).

Sinha, Shri Kailash Pati (Patna Central).

Sinha, Shri Nageshwar Prasad (Hazaribagh East).

Sinha, Shri S. (Pataliputra).

Sinha, Shri Satya Narayan (Samastipur East).

Sinha, Shri Satyendra Narayan (Gaya West).

Sinha, Shrimati Tarkeshwari (Patna East)

Sinha, Thakur Jugal Kishore (Muzaffarpur—North-West).

Sinhasan Singh, Shri (Gorakhpur Distt.—South).

Siva, Dr. M. V. Gangadhara (Chittoor—Reserved—Sch. Castes).

Snatak, Shri Nardeo (Aligarh Distt.—Reserved—Sch. Castes).

Sodhia, Shri Khub Chand (Sagar).

Somana, Shri N. (Coorg).

Somani, Shri G. D. (Nagaur-Pali).

Subrahamanyam, Shri Kandala (Vizianagaram).

Subrahmanyam, Shri Tekur (Bellary).

Subramania Chettiar, Shri (Dharmapuri).

Sundaram, Dr. Lanka (Visakhapatnam).

Sunder Lall, Shri (Saharanpur Distt.—West *cum* Muzaffarnagar Distt.—North—Reserved—Sch. Castes).

Suresh Chandra, Dr. (Aurangabad).

Suriya Prashad, Shri (Morena-Bhind—Reserved—Sch. Castes).

Swami, Shri Sivamurthi (Kushtagi).

Swaminadhan, Shrimati Ammu (Dindigul).

Syed Mahmud, Dr. (Champaran East).

T

Tandon, Shri Purushottamdas [Allahabad Distt. (West)].

Tek Chand, Shri (Ambala-Simla).

Telkikar, Shri Shankar Rao (Nanded).

Tewari, Sardar Raj Bhanu Singh (Rewa).

Thimmaiah, Shri Dodda (Kolar—Reserved—Sch. Castes).

Thirani, Shri G. D. (Bargarh).

Thomas, Shri A. M. (Ernakulam).

Thomas, Shri A. V. (Srivaikuntam).

Tivary, Shri Venkatesh Narayan (Kanpur Distt.—North *cum* Farrukhabad Distt.—South).

Tiwari, Pandit B. L. (Nimar).

Tiwari, Shri Ram Sahai (Chhatarpur-Datia-Tikamgarh).

Tiwary, Pandit Dwarka Nath (Saran South).

Tripathi, Shri Hira Vallabh (Muzaffarnagar Distt.—South).

Tripathi, Shri Kamakhya Prasad (Darrang).

Tripathi, Shri Vishwambhar Dayal (Unnao Distt. *cum* Rae Bareli Distt.—West *cum* Hardoi Distt.—South-East).

Trivedi, Shri Umashanker Mulji bha (Chittor).

Tulsidas Kilachand, Shri (Mehsana West).

Tyagi, Shri Mahavir (Dehra Dun Distt. *cum* Bijnor Distt.—North-West *cum* Saharanpur Distt.—West).

U

Uikey, Shri M. G. (Mandla-Jabalpur—South—Reserved—Sch. Tribes).

Upadhyay, Pandit Munishwar Dutt (Partapgarh Distt.—East).

Upadhyay, Shri Shiva Dayal (Banda Distt *cum* Fatehpur Distt.).

Upadhyaya, Shri Shiva Datt (Satna).

V

Vaishnav, Shri Hanamantrao Ganeshrao (Ambad).

Vaishya, Shri Muldas Bhuderdas (Ahmedabad—Reserved—Sch. Castes).

Vallatharas, Shri K. M. (Pudukkottai).

Varma, Shri B. B. (Champaran North).

Varma, Shri Manik Lal (Tonk).

Veeraswamy, Shri V. (Mayuram—Reserved—Sch. Castes).

Velayudhan, Shri R. (Quilon *cum* Mavelikkara—Reserved—Sch. Castes).

Venkataraman, Shri R. (Tanjore).

Verma, Shri Bulaqi Ram (Hardoi Distt.—North-West *cum* Farrukhabad Distt.—East *cum* Shahjahanpur Distt.—South—Reserved—Sch. Castes).

Verma, Shri Ramji (Deoria Distt.—East).

Vidyalankar, Shri Amarnath (Jullundur).

Vishwanath Prasad, Shri (Azamgarh Distt.—West—Reserved—Sch. Castes).

Vyas, Shri Radhelal (Ujjain).

W

Waghmare, Shri Narayan Rao (Parbhani).

Wilson, Shri J. N. (Mirzapur Distt. *cum* Banaras Distt.—West).

Wodeyar, Shri K. G. (Shimoga).

Z

Zaidi, Col. B. H. (Hardoi Distt.—North-West *cum* Farrukhabad Distt.—East *cum* Shahjahanpur Distt.—South).

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Shri Jaipal Singh.

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Shri Diwan Chand Sharma.
Shri Hem Raj.
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Shri Satyendra Narayan Sinha.
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Pandit Algu Rai Shastri.
Shri Abdus Sattar.
Shri Lakshman Singh Charak.
Shri N. Rachiah.
Shri Radheshyam Ramkumar Morarka.
Shri Mangalagiri Nanadas.
Shri T. B. Vittal Rao.
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Shri Satya Naryan Sinha.
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Lok Sabha

Shri Satya Narayan Sinha. (*Chairman*)
Shri Bhagwat Jha 'Azad'.
Shri U. Srinivasa Malliah.
Shri Diwan Chand Sharma.
Shri Jagan Nath Kolay.
Shri G. H. Deshpande.
Shri Nemi Chandra Kasliwal.
Shri N. C. Chatterjee.
Shri P. T. Punnoose.
Shri Asoka Mehta.

Rajya Sabha

Shri H. C. Dasappa.
Shri D. Narayana.
Shri R. P. N. Sinha.
Shrimati Chandravati Lakhanpal.
Shri V. K. Dhage.

Library Committee

Lok Sabha

Sardar Hukam Singh. (*Chairman*)
Shri V. N. Tivary.
Shri M. L. Dwivedi.
Shri U. C. Patnaik.
Shri M. D. Joshi.
Shri H. N. Mukerjee.

Rajya Sabha

Shri R. D. 'Dinkar' Sinha.
Shri Theodre Bodra.
Shrimati Lilavati Munshi.

Public Accounts Committee

Lok Sabha

Shri V. B. Gandhi. (*Chairman*)
Shri K. G. Deshmukh.
Shri U. Srinivasa Malliah.
Shri Diwan Chand Sharma.
Shri C. D. Pande.
Shri Kamal Kumar Basu.
Shri V. Boovaraghasamy.
Dr. Indubhai B. Amin.
Shri Nibaran Chandra Laskar.
Shrimati Tarkeshwari Sinha.
Shri Tribhuan Narayan Singh.
Shri Radhelal Vyas.
Shri C. P. Matthen.
Shri J. B. Kripalani.
Shrimati Shakuntala Nayar.

Rajya Sabha

Shri G. Ranga.
Shri R. M. Deshmukh.
Shrimati Pushpalata Das.
Shri Shyam Dhar Misra.
Shri P. T. Leuva.
Shri B. C. Ghose.
Shri J. V. K. Vallabharao.

Rules Committee

Shri M. Ananthasayanam Ayyangar. (*Chairman*)
Sardar Hukam Singh.
Pandit Thakur Das Bhargava.
Shri Satya Narayan Sinha.
Shri N. Keshavaiengar.
Shri Shivram Rango Rane.
Shri Ghamandi Lal Bansal.
Shri Khushi Ram Sharma.
Shri Kotha Raghuramaiah.
Shri Satis Chandra Samanta.
Dr. N. M. Jaisoorya.
Shri N. C. Chatterjee.
Shri Bhawani Singh.
Shri Kamal Kumar Basu.
Shri K. S. Raghavachari.

GOVERNMENT OF INDIA

Members of the Cabinet

Prime Minister and Minister of External Affairs and also in charge of the Department of Atomic Energy—Shri Jawaharlal Nehru.

Minister of Education and National Resources and Scientific Research—Maulana Abul Kalam Azad.

Minister of Home Affairs—Pandit Govind Ballabh Pant.

Minister of Communications—Shri Jagjivan Ram.

Minister of Health—Rajkumari Amrit Kaur.

Minister of Finance—Shri C. D. Deshmukh.

Minister of Planning and Irrigation and Power—Shri Gulzarilal Nanda.

Minister of Defence—Dr. Kailas Nath Katju.

Minister of Commerce and Industry and Iron and Steel—Shri T. T. Krishnamachari.

Minister of Law and Minority Affairs—Shri C. C. Biswas.

Minister of Railways and Transport—Shri Lal Bahadur Shastri.

Minister of Works, Housing and Supply—Sardar Swaran Singh.

Minister of Production—Shri K. C. Reddy.

Minister of Food and Agriculture—Shri Ajit Prasad Jain.

Minister of Labour—Shri Khandubhai Desai.

Minister without Portfolio—Shri V. K. Krishna Menon.

Ministers of Cabinet Rank (but not members of the Cabinet)

Minister of Parliamentary Affairs—Shri Satya Narayan Sinha.

Minister of Defence Organisation—Shri Mahavir Tyagi.

Minister of Information and Broadcasting—Dr. B. V. Keskar.

Minister of Trade—Shri D. P. Karmarkar.

Minister of Agriculture—Dr. Panjabrao S. Deshmukh.

Minister in the Ministry of External Affairs—Dr. Syed Mahmud.

Minister of Legal Affairs—Shri Hari Vinayak Pataskar.

Minister of Natural Resources—Shri K. D. Malaviya.

Minister of Revenue and Civil Expenditure—Shri M. C. Shah.

Minister of Revenue and Defence Expenditure—Shri Arun Chandra Guha.

Minister of Rehabilitation—Shri Mehr Chand Khanna.

Minister of Consumer Industries—Shri Nityanand Kanungo.

Minister in the Ministry of Communications—Shri Raj Bahadur.

Minister in the Ministry of Home Affairs—Shri B. N. Datar.

Minister of Heavy Industries—Shri M. M. Shah.

Deputy Ministers

Deputy Minister of Defence—Sardar S. S. Majithia.

Deputy Minister of Labour—Shri Abid Ali.

Deputy Minister of Rehabilitation—Shri J. K. Bhonsle.

Deputy Minister of Railways and Transport—Shri O. V. Alagesan.

Deputy Minister of Health—Shrimati M. Chandrasekhar.

Deputy Minister of External Affairs—Shri Anil Kumar Chanda.

Deputy Minister of Food and Agriculture—Shri M. V. Krishnappa

Deputy Minister of Irrigation and Power—Shri Jaisukhlal Hathi.

Deputy Minister of Production—Shri Satish Chandra.

Deputy Minister of Planning—Shri Shyam Nandan Mishra.

Deputy Minister of Education—Dr. K. L. Shrimali.

Deputy Minister of Finance—Shri Bali Ram Bhagat.

Deputy Minister of Education—Dr. Mono Mohon Das.

Parliamentary Secretaries]

Parliamentary Secretary to the Minister of External Affairs—Shrimati Lakshmi N. Menon.

Parliamentary Secretary to the Minister of Railways and Transport—Shri Shahnawaz Khan.

Parliamentary Secretary to the Minister of External Affairs—Shri Jogendra Nath Hazarika.]

Parliamentary Secretary to the Minister of Production—Shri Rajaram Giridharlal Dubey.

Parliamentary Secretary to the Minister of External Affairs—Shri Sadath Ali Khan.

Parliamentary Secretary to the Minister of Information and Broadcasting—Shri G. Rajagopalan.

Parliamentary Secretary to the Minister of Works, Housing and Supply—Shri Purnendu Sekhar Naskar.

LOK SABHA

Tuesday, 24 July, 1956

The Lok Sabha meet at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Indian Foreign Service

*197. **Shri Shree Narayan Das** : Will the **Prime Minister** be pleased to state:

(a) whether the constitution of the Indian Foreign Service, Branch (B) has been drawn up and put into operation; and

(b) if so, its strength?

The Parliamentary Secretary to the Minister of External Affairs(Shri Sadath Ali Khan): (a) The scheme for the initial constitution of the Indian Foreign Service, Branch 'B' has been finalised except for a few minor points relating to the cadre strength. The service will formally come into being with effect from August 1, 1956. The selection of personnel by the Selection Boards constituted under the scheme will, however, take some more time.

(b) The cadre strength will be finalised shortly after the points referred to above have been setsled. The Rules and the Cadre Schedule will then be laid on the Table of the House.

Shri Shree Narayan Das: May I know whether there has been any change in the original scheme as conceived and, if so, the nature of the changes effected therein?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I do not know to what original scheme the hon. Member refers. Basically the scheme has been the same, but minor changes have been made, as has been conceded.

Shri Shree Narayan Das: In the report submitted by the Ministry it has been stated that the Cabinet has modified the original scheme in some respects. May I know the nature of the changes that have been made.

Shri Jawaharlal Nehru: I do not know what they are, I have no recollection. We considered it again and modified it here and there, but there is no basic change of which I have any clear recollection.

Shri Shree Narayan Das: What are the special qualifications that will be required for recruitment to this service?

Shri Jawaharlal Nehru: Normally these people are going to be recruited from members of the Central Secretariat Services serving in the Ministry of External Affairs either here or in the Indian Missions and posts abroad, as well as in the Ministry of Commerce and Industry (of course they deal with trade matters); also, local Indian recruits serving in Indian Missions abroad, and India-based personnel not belonging to any regular government service serving in Indian Missions abroad. That is to say they will be selected from people who are serving in our Missions abroad but who have been temporarily serving there with no fixed tenure. A choice will be made and those who may be considered good enough will be given a permanent place in this Cadre B.

Shrimati Renu Chakravartty: May I know whether those who are serving in the N. E. F. A. area will be a separate Branch or whether the personnel will be the same and they will have to possess the same qualifications?

Shri Jawaharlal Nehru: In regard to those who have been recently recruited for the N.E.F.A. area, this is more or less a separate service, and they have been selected for very special qualifications for that area. I do not think they are normally considered as members of the Foreign Service.

Shri Gidwani: What is the method o their recruitment?

Shri Jawaharlal Nehru: All these persons are already serving. Selection Boards are being appointed which will make a selection from among those who are already serving, from the point of view of their

service record and their present qualifications as well as the reports about their service and they will be taken permanently into the service; now they are temporary.

Ambar Charkha

*198. **Shri Bhagwat Jha Azad:** Will the Minister of **Production** be pleased to state;

(a) the recommendations of the Ambar Charkha Committee appointed by the Planning Commission; and

(b) whether Government have finally decided to expand the Ambar Charkha programme?

The Minister of Production (Shri K. C. Reddy): (a) A statement is laid on the Table of the House. [*See* Appendix Annexure No. 20]

(b) Decision has been taken to introduce 75,000 Ambar Charkhas during the current financial year. Further expansion of the programme will depend upon a reassessment of the position to be made at the end of 1956.

Shri Bhagwat Jha Azad: May I know whether all the recommendations have been accepted; if not, which of the recommendations have not been accepted and the reasons for the same?

Shri K. C. Reddy: The recommendations have been accepted generally. The decision that has been taken by Government so far is in respect of the sanctioning of the introduction of 75,000 of these Charkhas. As regards the implementation of this recommendation, action is in hand.

Shri Bhagwat Jha Azad: The recommendation states that Government should set up a special Section or a Directorate. What action in this regard has been taken by Government?

Shri K. C. Reddy: It is a preliminary action that also might have to be taken. It is too early to say what decision Government is likely to take.

Shri C. D. Pande: Is Government satisfied that the production of cloth from the Ambar Charkha yarn will be enough to meet the increasing demand of cloth in this country, and what will be the total yardage of cloth that will be manufactured from the yarn produced by the Ambar Charkha?

Shri K. C. Reddy: It is a very general question. It is not claimed that production of cloth from the Ambar Charkha yarn will be sufficient to meet all the requirements of the country. Mill production, Charkha production, handlooms and power-looms, all these agencies have to be made use of in order to provide the necessary cloth for meeting the requirements of the country.

As regards the second part of the question, it is not known what exactly is the information required. But, as the hon. Member may be aware, 300 million yards of cloth has been provided for production out of the Ambar Charkha yarn.

Shri S. V. Ramaswamy: What are the reasons advanced by the Committee for making a cautious approach in this matter? And what is the reason for this high cost of Ambar Charkha yarn—It is given as Rs. 2-10-0 per lb. compared to Rs. 1-2-0 of mill yarn, for the same count. This figure obviously seem to be a very bloated figure. Is it correct?

Shri K. C. Reddy: The hon. Member is going into the details. I cannot say definitely at present, I should examine what the position is.

Shri A. M. Thomas: The hon. Minister stated that the programme for 1957-58 has to be drawn up in December, 1956. May I enquire whether the Government has drawn up any scheme for the manufacture of the 75,000 Ambar Charkhas?

Shri K. C. Reddy: It is the responsibility of the Khadi and Handloom Board to implement the scheme. Necessary sanction has been issued and necessary funds have been placed at their disposal and they are now taking action in order to implement this programme.

Shri Dabhi: Am I to understand that only 300 million yards of yarn will be introduced through the Ambar Charkha. What happened to the original plan of 1,500 million yards of cloth to be produced out of this?

Shri K. C. Reddy: The present decision of Government is to reserve 300 million yards of cloth for production through the Ambar Charkha yarn. About 150 million yards have yet to be allotted. This will have to be done latter after ascertaining the position at the end of the year.

Regarding the bigger programme that has been drawn up by the Khadi and Handloom Board, it is too early to consider all the implications of such a programme and take a decision here and now. So a decision has been taken for the current year, and at the end of the year the whole position will be examined and the size of the programme for 1957-58 and for latter years will be determined.

Amalgamation of Small Collieries

*199. **Shri T. B. Vittal Rao:** Will the Minister of **Production** be pleased to state:

(a) whether the Experts Committee appointed under the Chairmanship of Sr

Balwantray Gopaljee Mehta to go into the question of amalgamation of small collieries has since submitted its report;

(b) if so, the main recommendations thereof; and

(c) whether the recommendations have been accepted by Government?

The Minister of Production (Shri K. C. Reddy): (a) No.

(b) and (c). Do not arise.

Shri T. B. Vittale Rao: In the last Session it was stated that the Committee's report was expected in June. May I know the reason for this further extension of time?

Shri K. C. Reddy: The Committee wrote to us that they would require more time, because some of the Sub-Committees constituted to go into certain special aspects of the problem had not yet submitted their reports, and so Government have extended the time till the end of August.

अस्पृश्यता सम्बन्धी प्रसारण

*२००. **श्री वाल्मीकी :** क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) अस्पृश्यता के उन्मूलन के लिये १९५४–५५ और १९५५–५६ में आकाशवाणी से क्या क्या कार्यक्रम प्रसारित हुये; और

(ख) इन कार्यक्रमों में कितने कलाकारों तथा जनता के नेताओं ने भाग लिया?

सूचना और प्रसारण मंत्री (डा० केसकर) सूचना एकत्रित की जा रही है और तैयार होने पर सभा पटल पर रख दी जायेगी।

श्री वाल्मीकी : क्या मैं जान सकता हूं कि सूचना एकत्र करने में कितना समय लगेगा?

डा० केसकर : यह कहना मुश्किल है, लेकिन माननीय सदस्य ने जो सवाल पूछे हैं वे इस प्रकार के हैं कि इसमें कुछ समय लगेगा, खास तौर पर इस में यह पूछा गया है कि कितने कलाकारों तथा जनता के नेताओं ने भाग लिया। नेता कौन हैं और कौन नहीं हैं, इस को भी देखना पड़ता है। ये सब सवाल उसमें आते हैं।

Shri Thimmaiah: May I know whether The Home Ministry has sent any note to the AIR through the Ministry of Information and Broadcasting about affording facilities for broadcasting in respect of of this matter?

Dr. Keskar: There is a general directive of the Government that the removal of untouchability should be propagated by all media possible and broadcasting is also one of the important media. From that point of view a concerted effort is being made so that this medium is also used to propagate the removal of untouchability.

श्री धुलेकर : क्या माननीय मंत्री महोदय बतायेंगे कि आल इंडिया रेडियो में इस कार्य के लिये कोई आफ़िसर नियुक्त किया गया है या इस सम्बन्ध में कोई एडवाइजरी कौंसिल (मंत्रणा परिषद्) है, जो कि अनटचेबिलिटी (अस्पृश्यता) को रिमूव (हटाने) करने विषयक ब्राडकास्ट्स (प्रसारण) इत्यादि के बारे में परामर्श दे?

डा० केसकर : जी नहीं।

Production of Electricity

*201. **Shri D. C. Sharma:** Will the Minister of **Irrigation and Power** be pleased to state how the production of electricity in the country for the year 1955 compares with that of 1954?

The Deputy Minister of Irrigation and Power (Shri Hathi): During the year 1955, 10,772 million KWH of electricity were generated against 9,577 million KWH generated in 1954. thus registering an increase of 12·5 per cent.

Shri D. C. Sharma: May I know the target of production so far as 1956 is concerned?

Shri Hathi: That target that we have fixed for the second plan period is 16,600 million kilowatts.

Shri D. C. Sharma: May I know whether there has been any formula evolved for the distribution of electricity for the rural areas of India as against the cities, and if so, what is the formula?

Shri Hathi: The consumption in the various sectors will of course cover the rural areas also, apart from the urban areas. In the rural areas, the consumption will be by the small-scale indstries, cottage industries, etc. I can give the classification as under: domestic, 9 per cent.; commercial 6·0 per cent.; public utility, 1·5 per cent; industry, 72 per cent; traction, 4 per cent; irrigation, 4 per cent; water works, 3·5 per cent. Out of the total of 100 per cent. generated, consumption in the different sectors will be as above.

Shri D. C. Sharma: May I know whether any attempt is being made to scale down the rates for electricity so far as domestic consumption and commercial consumption are concerned?

Shri Hathi: The rates for electricity depend upon the cost of production in each particular area, availability of coal, etc. Naturally, wherever possible, and wherever more power is required for commercial purposes, some concessions may be given, but it all depends upon the circumstances of each case.

Shri Kasliwal: May I know whether the target of production for 1955 will be fulfilled or whether the fulfilment will fall short of the target?

Shri Hathi: The target for 1955 has been mostly fulfilled. I think we are rather short of the target, though not much, but by end of 1956 we shall be able to complete the target.

Shri Debendra Nath Sarma: May I know whether the production of electricity in Assam in the years 1955 and 1956 has increased or decreased?

Shri Hathi: I would require notice for particulars about each State.

भारत-बर्मा व्यापार समझौता

*२०२. **श्री रघुनाथ सिंह :** क्या वाणिज्य और उद्योग मंत्री २२ मई, १९५६ के तारांकित प्रश्न संख्या २४०६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि भारत-बर्मा व्यापार समझौते की बातचीत इस समय किस अवस्था में है ?

व्यापार मंत्री (श्री करमरकर) : बातचीत अभी चल रही है।

श्री रघुनाथ सिंह: मैं यह जानना चाहता हूं कि यह बातचीत पूर्ण कब होगी ? छः महीने पेश्तर भी इस सम्बन्ध में यही उत्तर दिया गया था कि बात-चीत चल रही है। क्या मंत्री महोदय बताने की कृपा करेंगे कि यह समझौता कब होगा ?

श्री करमरकर : अगस्त में और भी डेलीगेशन आने वाले हैं। उस के बाद शायद बातचीत खत्म होगी।

Shri Achuthan: May I know whether it has come to the notice of the Government that the Burmese Government is going to ban the import of Indian prawn into Burma and that it is going in for Chinese prawn and if so, what steps are the Government going to take to testore the old trade between India and Burma with regard to the Indian prawns?

Shri Karmarkar: I quite sympathise with the hon. Member on this matter of trade between India and Burma and that is one of the points which is engaging our minds.

Shri Radha Raman: In the absence of an agreement between Burma and India, may I know how trade is being regulated and whether industries which depend upon the imports from Burma have suffered?

Shri Karmarkar: Largely our imports from Burma were rice. No industry has suffered on account of any want of import from Burma. Our difficulty was one of shrinking exports to Burma and we are directing our efforts in that direction.

Indigenous System of Medicines

*204. **Shri S. C. Samanta:** Will the Minister of **Planning** be pleased to state:

(a) whether the views expressed by a Conference of experts on indigenous system of Medicines in May last have been duly considered and decision taken; and

(b) whether advisers for Ayurveda, Unani and Homoeopathy are going to be appointed permanently in the Planning Commission?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b). The suggestions of the conference of experts on indigenous systems of medicine are under the consideration of Government.

Shri S. C. Samanta : May I know wether any statutory body is going to be formed to advice the Planning Commission or whether any temporary council will be formed to advise them?

The Minister of Planning and Irrigation and Power (Shri Nanda) : There was a conference to which reference has been made by the hon. Member in the main question. It is then decided

that after the committee already appointed by the Ministry has reported on this subject, there should be a fresh conference to consider these matters again. But no statutory body is going to be constituted.

Shri Shree Narayan Das : May I know the important recommendations made by this conference ?

Shri S. N. Mishra : A memorandum was submitted on behalf of the conference and it was laid on the Table of the House in reply to a question by Shri Gidwani on 30th May, 1956.

श्री धुलेकर : क्या हैल्थ मिनिस्ट्री (स्वास्थ्य मंत्रालय) ने इस बारे में कोई कमेटी मुकर्रर कर दी है और क्या उस कमेटी में पार्लियामेंट के मेम्बरों (संसद् सदस्यों) की राय ली जायगी ?

Shri Nanda : There is a committee appointed to deal with the whole question of education and training in Ayurveda and it is headed by the Health Minister of Saurashtra. This committee is shortly going to make a report. The report will certainly be placed before Parliament.

Shri T. N. Singh : May I know whether the Planning Ministry alone is looking into this, or whether the Health Ministry also comes into the picture ? If the Health Ministry also comes into the picture, what are its initial reactions ?

Shri Nanda : Nothing is being done in the Planning Ministry on subjects like this without the full association of the Ministry concerned and without consultations with it.

श्री धुलेकर : क्या प्लैनिंग मिनिस्टर साहब (योजना मंत्री) को मालूम है कि दवे कमेटी के सामने, जिस का कि अभी उन्होंने जिक्र किया है, केवल एक यह सवाल है कि हिन्दुस्तान भर में एक ही किस्म का ग्रेजुएट कोर्स हो जाय और उस के सामने वे सवाल नहीं हैं जो कि कान्फ्रेंस (परिषद्) ने प्लैनिंग कमीशन (योजना आयोग) के सामने रखे हैं ?

श्री नन्दा : जो सवाल उस के सामने थे, यह उन में से सब से जरूरी था। इस बारे में यह फैसला किया गया कि जब वह रिपोर्ट आयगी, तो फिर सब को बुला कर इस पर विचार किया जायगा और दूसरी बातों पर भी विचार किया जायगा।

Village Libraries

*205. **Shri Madiah Gowda** : Will the Minister of **Planning** be pleased to state :

(a) how many village libraries have been opened, so far, for the benefit of Neo-literates and others in the Community Projects and N.E.S. blocks;

(b) the amount of money spent for that purpose; and

(c) the average number of books in these libraries ?

The Deputy Minister of Planning (Shri S. N. Mishra) : (a) to (c). Government has no information.

Shri Madiah Gowda : May I know whether they have got any regular scheme to organise and also expand the library service in the villages or at least in the Community Project and NES Block areas ?

Shri S. N. Mishra : No, Sir. Our difficulty in providing information on this particular aspect of Social education is that it requires so many details which are not provided to us. There are many items covered under Social Education.

Shri Madiah Gowda : Can it be expected that at least by the end of the second Plan period, the big villages will have this library service for those neo-literate adults and those who have left off schools before the end of the primary stage ?

Shri S. N. Mishra : This is an ideal well worth striving for. I think the workers in the Community Projects Development Programme are working mostly towards the achievement of this aim.

Shri B. S. Murthy : May I know whether the Government is contemplating a scheme of getting books printed and supplying them to the libraries in the Community Project areas in order to help the people who have been benefited by adult education ?

Shri S. N. Mishra : I do not follow the question.

Mr. Speaker : Does Government propose to get books printed and circulate them to various libraries in the community projects and N.E.S. areas ?

Shri B. S. Murthy : My question was whether Government proposes to circulate books for the benefit of the people who have received adult education.

Shri S. N. Mishra : There is a programme I think in that respect under the Ministry of Education for providing literature for neo-literates.

Pandit D. N. Tiwary : May I know whether any amount has been earmarked for the libraries for neo-literates ?

Shri S. N. Mishra : I cannot give this detail exactly at the moment.

Pandit D. N. Tiwary : On a point of order, Sir. The Deputy Minister has just replied that he cannot give this information. You will find that this information has been asked for in the body of the question — in part (b)—and still this information is not supplied.

Mr. Speaker: What is his question ? Is it "How much money has been provided ?"

Pandit D. N. Tiwary: My question was whether any amount was earmarked for this purpose for libraries for neo-literates.

Shri S. N. Mishra : I have already submitted in reply to a supplementary that we received information under the main head "Social Education" and under a sub-head "Community Centres". But, we do not get information in regard to the libraries particularly and we feel that to ask for information of this kind would not yield result commensurate with the time and money that would have to be spent.

Shrimati Renu Chakravartty : The hon. Deputy Minister stated that he could not give the details of the money spent. Can he tell us the methods which are followed under the head "Social Education" in order to prevent the neo-literates from lapsing back into illiteracy ?

Shri S.N. Mishra : This again is a matter of detail and I will require separate notice.

Small Industries Service Institutes

***206. Shri Ram Krishan :** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 1757 on the 26th April, 1956 and state :

(a) whether the scheme for the establishment of small industries service institutes for each State during the Second Five Year Plan has been finalised; and

(b) If so, the main features thereof ?

The Minister of Consumer Industries (Shri Kanungo) : (a) There is no scheme as such, but the Government's intention is that there should be one Institute for each State by the end of the Second Five Year Plan period.

(b) Does not arise.

श्री रामकृष्ण : इस साल कितने इंस्टीट्यूट लगाये गये हैं ?

श्री कानूनगो : चार मेन इन्स्टीट्यूट लगाये गये हैं जो कि चारों चल रहे हैं । पटना और त्रावनकोर में सब–इन्स्टीट्यूट लगाये गये हैं, और दो चार सब-इन्स्टीट्यूट और लगाये जाने वाले हैं ।

श्री रघुनाथ सिंह : आपने यू० पी० को क्यों छोड़ दिया ?

श्री कानूनगो : आगरे म भी है ।

त्रावनकोर-कोचीन में डी० डी० टी० कारखाना

***२०८. श्री कृष्णाचार्य जोशी :** क्या **उत्पादन** मंत्री २६ फरवरी, १९५६ के तारांकित प्रश्न संख्या ३५० के सम्बन्ध में यह बताने की कृपा करेंगे कि क्या त्रावनकोर-कोचीन में डी० डी० टी० के उत्पादन के लिये प्रस्तावित कारखाने के लिये प्लांट खरीद लिया गया है ?

उत्पादन मंत्री के सभा सचिव (श्री रा० गि० दुबे) : अल्वाये में स्थापित किये जाने वाले द्वितीय डी० डी० टी० कारखाने की यंत्र सामग्री तथा प्लांट के लिये सार्वभौम टेंडर मांगे गये थे । बोर्ड के डायरेक्टरों ने टेंडरों की जांच-तांच कर ली है तथा अंतिम चुनाव के शीघ्र किये जाने की आशा है ।

Shri V. P. Nayar : Most of the Members do not understand the Hindi answer. The hon. Minister may be asked to give the answer in English.

Mr. Speaker : The English answer may be given.

Shri R. G. Dubey : Global tenders were invited for the supply of plant and machinery for the 2nd DDT plant at Alwaye. The tenders have been scrutinised by the Board of Directors and a final selection is likely to be made soon.

श्री कृष्णाचार्य जोशी : क्या मैं जान सकता हूं कि कौन से देश से इस प्लांट (संयंत्र) की खरीद की जा रही है ?

श्री रा० गि० दुबे : इस प्लांट के बारे में करीब सात देशों ने अपने टेंडर्स दिये थे,। उनमें से टेकनीकल एंटरप्राइजेज इनकारपोरेटेड आफ यू० एस० ए०, सिंगमास्टर एंड ब्रेअर आफ यू० एस० ए० और क्रिब्स एंड कं०, बर्लिन, इन तीन एजेंसियों (अभिकरणों) के साथ बातचीत हो रही है।

श्री कृष्णाचार्य जोशी : क्या मैं जान सकता हूं कि इसका क्या मूल्य होगा ?

श्री रा० गि० दुबे : इस सारे प्राजेक्ट (परियोजना) का मूल्य ७९ लाख रुपया है।

Shri A. M. Thomas : May I know whether the site at Alwaye has been fixed, whether the acquisition proceedings have been completed and whether construction activities have begun ? May I also know what amount has been spent so far on this ?

Shri R. G. Dubey : I think acquisition of land has already been undertaken. Regarding the quantum of money spent, I cannot say it.

Shri V. P. Nayar : I would like to know the employment potential of this D.D.T. Factory as estimated by Government.

Shri R. G. Dubey : I am sorry I am not in a position to answer.

The Minister of Production (Shri K. C. Reddy): The employment potential is not very much; About 500 to 600 people would be employed.

Technical Personnel for Coal Production

*209. **Shri M. S. Gurupadaswamy:** Will the Minister of **Production** be pleased to refer to the reply given to Starred Question No. 1333 on the 10th April, 1956 and state what are the main features of the Scheme to meet the increased requirement of technical personnel for the larger production of Coal during the Second Five Year Plan ?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey) : A statement showing the main features of the Scheme is laid on the Table of the House. [*See* Appendix II, annexure No. 21.]

Shri M. S. Gurupadaswamy : May I know the period of training ?

Shri R. G. Dubey : As stated in the statement laid on the Table, there are four categories. In the case of Category I, the period of training is six months in the first instance and then two years of practical training. In the case of Categories II and III the period of training is two years in the first instance and again two years of practical training. In the case of Category IV, the period of training is six months.

Shri M. S. Gurupadaswamy : What will be the total number of persons who will be trained in these institutions ?

Shri R. G. Dubey: It is expected that in Category I, 20 trainees will be admitted annually to each centre and for the present we are opening four centres. In Categories II and III, 25 trainees will be admitted to each class.

Shri M. S. Gurupadaswamy : May I know the total expenditure involved for the various schemes ?

Shri R. G. Dubey : Rs. 28,03,772 is the rough estimate.

Shri Kamath : Has Government got any concrete plan for the utilisation of certain collieries which have, since the end of World War I or even later, not been utilised for some reason or other ?

The Minister of Production (Shri K. C. Reddy) : This question relates to training. The hon. Member is raising other questions which do not arise out of this.

Shri T. B. Vittal Rao : Have Government proposed to open any training centre in Hyderabad in the Singareni colliery, because production of coal in the Singareni colliery is in the public sector ?

Shri R. G. Dubey : There is a proposal to open a centre at Singareni.

Shri T. B. Vittal Rao : When will it be opened ?

Shri R. G. Dubey : I cannot tell it now; it will be in the near future.

Shri N. B. Chowdhury : May I know whether any quota has been reserved for the employees in the collieries for the purpose of this training ?

Shri R. G. Dubey : So far as Category IV is concerned, a certain quota is being reserved for the employees or their relatives.

Mr. Speaker : Question No. 210. Shri Anirudha Sinha is absent.

Shri Radha Raman : In view of the importance of this question, may I request you to direct it to be answered ?

Mr. Speaker : Later on; not now.

Rourkela Steel Plant

*212. **Dr. Ram Subhag Singh** : Will the Minister of **Iron and Steel** be pleased to state :

(a) whether the construction work of the coke-oven plant for the Rourkela Steel Project has started;

(b) who are the builders of that plant; and

(c) the total estimated cost of that plant ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : (a) No, Sir. Not yet.

(b) Messrs. Dr. C. Otto & Comp., Bochum, West Germany.

(c) Rs. 921 lakhs (approximately).

Central Public Works Department

*213. **Shri Bahadur** [illegible] : Will the Minister of **Works, Housing and Supply** be pleased to state :

(a) whether it is a fact that there is a great demand of Engineers in officer's Cadre in the Central Public Works Department;

(b) if so the number of vacancies at present ;

(c) whether it is also a fact that the Engineering personnel committee appointed by the Planning Commission has recommended that the Graduate Engineers working in the subordinate posts should be immediately promoted to officer's cadre;

(d) if so, the action that has been taken on these recommendations; and

(e) the number of Engineering Graduates promoted to officer's cadre ?

The Parliamentary Secretary to the Minister of Works, Housing and Supply (Shri P. S. Naskar): (a) There are a fairly large number of Engineers in the Officer's Cadre.

(b) Nil.

(c) No, Sir.

(d) and (e). Do not arise.

Shri Bahadur Singh : May I know whether it is a fact that a bar of five years is imposed for promoting the graduate engineers working as overseers to the posts of Assistant Engineers, and, if so, why it is insisted ?

Shri P. S. Naskar : Under the existing rules, for officiating promotions to the grade of Assistant Engineers, preference is given to temporary graduate section officers with five years' service in the grade. The question of reducing this limit in order to fill up the large number of vacancies likely to occur during the period of the Second Five Year Plan is being looked into.

Shri Bahadur Singh : What is the number of graduate engineers that have been promoted in the last five years ?

Shri P. S. Naskar : In the last five years, about 71 graduates have been promoted from subordinate posts.

Shri B. S. Murthy : May I know how many graduate engineers are now working as section officers ?

Shri P. S. Naskar : There are about 180 section officers on the civil side and 52 on the electrical side who have less than 5 years' service and who have not been promoted so far.

Manufacture of Heavy Machinery

*216. **Shri Sadhan Gupta** : Will the Minister of **Production** be pleased to state :

(a) whether a team of advisers from the Soviet Union have come to India to advise the Government on the establishment of a plant for the manufacture of heavy machinery;

(b) the machinery that is proposed to be manufactured ; and

(c) the name of the place where the plant is proposed to be established ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : (a) Yes, Sir. A team of four Russian experts on heavy machinery manufacture are now in India to study our requirements in this regard and make proposals.

(b) This is the matter on which we are seeking their advice.

(c) No decision has yet been taken regarding the site or sites on which the plant or plants are proposed to be erected.

Shri Sadhan Gupta : There appeared a report in the press that the site of the plant would be located in the West Bengal-Bih area. May I know whether there is any correctness in that report ? Actually, Bokharo was mentioned as one of the places.

Shri T. T. Krishnamachari : Various sites have been thought of. Anyway, the press re ort is a little premature.

Shrimati Renu Chakravartty : May I know whether this is going to be set up under the N. I. D. Corporation or as a separate corporation ?

Shri T. T. Krishnamachari : The manner is in which this project or these projects will be administered when they are under way has to be decided by the Government.

Shri T. N. Singh : May I know whether there is any chance for any proposal for a regular agreement with the Soviet Government and negotiations are on way for getting blueprints for certain special types of heavy machinery and the range of machinery of which manufacture will be undertaken ?

Shri T. T. Krishnamachari : That would be a later stage. At the present moment, we are exploring what are the items of machinery which have to be manufactured in this country and which could be manufactured. When these data are collected and a decision is taken, we have to decide who is going to be the Adviser for the project. At that stage will come the question that my hon. friend has put to me.

Seth Govind Dass : Besides the Russian experts, may I know whether advice from any other country in respect of this matter is taken ?

Shri T. T. Krishnamachari : We are exploring the possibilities of assistance from various countries, from various sources because our ideas of manufacturing heavey machinery are extremely wide and all-embracing. At the present moment, we have the Russians here. It is quite likely that a British team will come here at the end of August or early in September. We are also in communication with various other manufacturers of repute in other countries.

सेठ अचल सिंह : क्या मंत्री महोदय यह बतलाने की कृपा करेंगे कि इस मशीनरी प्लांट में कितना रुपया लगेगा और कितना परसेंटेज (प्रतिशतता) गवर्नमेंट आफ इंडिया लगायेगी और कितना परसेंटेज रूस लगायेगा ?

Shri T. T. Krishnamachari : Actually, all this is premature.

Shri S. L. Saksena : Will this work be taken up in the Second Five Year Plan ?

Shri T. T. Krishnamachari : That is the idea. If we start something now, because the Five Year Plan is expected to last for 4½ years or a little more, we propose to take it up, if we can, within the period of the Plan.

Shri Sadhan Gupta : By what time is the report of the experts expected ?

Shri T. T. Krishnamachari : The time will be determined by the nature of the work allotted. At the present moment, we are discussing what they should do. If our programme is rather heavy, the time taken will naturally extend. It may be that we may be able to get some idea in about three or four months.

A.I.R., Cuttack

*217. **Shri Sanganna** : Will the Minister of **Information and Broadcasting** be pleased to state the date by which the high power high transmitter will be installed at Cuttack ?

The Minister of Information and Broadcasting (Dr. Keskar) : Work on the installation of the 20 K.W. Medium wave transmitter at Cuttack has already commenced and is expected to be completed by about March or April 1957.

Shri Sanganna : May I know whether the elevation of the station will be sufficient to cater to the needs of the whole of Orissa ?

Dr. Keskar : It is generally expected to cover most of Orissa.

Shri Sanganna : On the elevation of the station, what improvements have been made in rural listening programmes and if so how ?

Dr. Keskar : That has to be taken up only when the new transmitter goes on the air. At present, as the weak transmitter cannot cover except a very small part of the State, it is not worth while for us to have very extensive rural programmes.

Shri Sanganna : May I know what is the probable date when the entire scheme will be completed ?

Dr. Keskar : As I said, the scheme has commenced. It is very difficult to give the exact date because it depends on many factors. For example, though we were ready to start the work about six months back, as we were not able to get possession of the land on which the transmitter is being constructed, we had to wait for four or five months. Unless some such difficulties occur, I think the work would be completed in the next seven or eight months.

Shri D. C. Sharma : When a high-power transmitter is established, is any attempt made to improve the quality of the programme and extend the duration of the programme and if so, what is the programme of the Government ?

Mr. Speaker : That does not arise.

Burmah Shell Oil Refinery

*218. **Shri Shree Narayan Das :** Will the Minister of **Production** be pleased to state the present position of Indian participation in the Share Capital of Burmah Shell Oil Refinery ?

The Minister of Production (Shri K. C. Reddy) : There is no Indian participation in the ordinary share Capital of the Company. However, debentures of the value of Rs. 8 crores have been issed in India, and preference shares of the value of Rs. 2 crores are about to be issued.

Shri Shree Narayan Das : May I know whether any and, if so, what efforts have been made so that Indian capital may participate in this refinery or other refineries that have been established ?

Shri K. C. Reddy : This matter is governed by the agreements that were entered into with the oil companies some years ago. Certain attempts were made to induce the oil companies to provide for Indian participation in the share capital of the company. The results have not been encouraging.

Shri Shree Narayan Das : May I know whether any other oil refineries have just issued debentures and whether Indian capital has participated in that ?

Shri K. C. Reddy : Yes, Sir. The Standard Vacuum Oil Company issued debentures and they have been taken up.

Shri K. K. Basu : May I know whether, before permission under the Capital Issues Control Order for the issue of debentures is granted, any companies were told that, instead of issuing debentures, they should call for share capital and Indian participation ?

Shri K. C. Reddy : I am afraid that the hon. Member is mixing up debenture capital and ordinary share capital.

Shri K. K. Basu : Under the law of the land, for any debenture issue, the permission of the Central Government is to be taken . I want to know whether the Government, before the permission is granted has used its good offices to tell them that instead of having debenture issues, they should issue share capital.

Shri K. C. Reddy : How do we ask them to issue ordinary capital for Indian participation when there is no such provision in the agreement ? I do not quite understand the import of the hon. Member's question.

Shri Sadhan Gupta : May I know what voting rights the preference shareholders enjoy in this company ?

Shri K. C. Reddy : They do not enjoy any voting rights. If the interest payable on those shares is in arrears, I think they have got a right to participate in voting.

Bhavnagar Oil Refinery Project

*219. **Shri T. B. Vittal Rao :** Will the Minister of **Production** be pleased to refer to the reply given to Starred Question No. 433 on the 5th March, 1956 and state :

(a) whether Government have since examined the scheme of Bhavnagar Oil Refinery Project submitted by Mr. Nusserwanji H.C. Dinshaw of Bombay ; and

(b) if so, the nature of decision arrived at ?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey) : (a) and (b). The Government have examined the proposal and have come to the conclusion that it should not be pursued at present.

Film Documentaries

*220. **Shri Madiah Gowda:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the number of documentaries planned to be produced in the current year;

(b) the titles of the documentaries; and

(c) the number to be produced by private producers and the number by the Ministry ?

The Minister of Information and Broadcasting (Dr. Keskar): (a) to (c). A statement is laid on the Table of the House. [*See* Appendix II, annexure No. 22].

I might say in brief that in the statement it is said that about 124 or 125 films are going to be produced, out of which about 53 are going to be produced directly by the Films Division and about 61 films are being given to private producers.

Shri Madiah Gowda: May I know who are these private producers who have come forward to produce these documentaries and how their competence is judged ?

Dr. Keskar: Formerly, the private producers used to be called by tenders, but since the last two or three years, in order to see that the standard of films produced by the private producers is far better than what it was we have had a technical experts committee which has examined the quality and the work of a large number of producers and on the advice of that committee there is a panel of approved producers. All the members of the panel can apply whenever any tender is called for, and from amongst them the best are chosen.

Shri Madiah Gowda: Who prepares the scenario for the documentaries that are to be produced by private agencies, and how are they approved and passed?

Dr. Keskar: All the productions of the private producers are not accepted *ipso facto*. In fact, they are supervised at various stages by the technical experts of the Films Division and quite a number of times they have to modify the films. Generally speaking, the documentaries are good, though obviously the documentaries of the Films Division which specialises in documentaries are generally very much superior.

Grants to PEPSU for Irrigation Purposes

*221. **Shri Ram Krishan:** Will the Minister of **Irrigation and Power** be pleased to refer to the reply given to Unstarred Question No. 1172 on the 18th April, 1956 and State:

(a) whether the required information regarding the utilisation by the Government of PEPSU of the financial assistance given to it by the Government of India has been collected; and

(b) if so, the details thereof?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (b). Details are still awaited from the State Government. The required information will be laid on the Table of the House on receipt.

Border Incident

*222. **Shri D. C. Sharma:** Will the **Prime Minister** be pleased to state whether Government has claimed any compensation from Pakistan in the case of a family of four Kashmiris killed by the Pakistani citizens in the little Kashmir Village of Mithala four miles from the Pakistan border during January last?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): No Sir. At the time of lodging the protest, the Government of Pakistan was requested to take action against the culprits. but a demand for compensation was not made at that stage.

Shri D. C. Sharma: What was the reaction of the Government of Pakistan to the demand by the Indian Government for taking action against those culprits and what have they done?

Shri Sadath Ali Khan: The reply from the Government of Pakistan is still awaited.

Shri D. C. Sharma: May I know if there is any principle goverining compensation in such cases where the lives of Indian citizens are lost as a result of border incidents? If so, why has that principle of compensation not been applied in the case of these citizens who lost their lives in a border incident?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): This question of compensation has been raised on previous occasions, but it was not agreed to by Pakistan. That is, we raised the question that on either side compensation should be given. It was further discussed at some length in the case of Nekowal, and ultimately the Pakistan Government agreed as a special case to give—I forget the amount—a sum of money for the relief of the families of those who have been killed. That is where the matter stands.

Shri Kamath: Actually given or agreed to give?

Shri Jawaharlal Nehru: I do not think it has been actually given yet. They agreed and we said we would accept that. I am not sure what has happened during the last few weeks. It had not been given about six weeks ago.

Shri Kamath: Since the cease-fire was agreed to in January 1949, in how many cases of this kind has Government asked for compensation and in how many cases has compensation been actually paid by the Pakistan Government?

Shri Jawaharlal Nehru: I thought I had just stated that no compensation has been given by either side for deaths caused by either side. Deaths had been caused by both sides to the nationals of the other side during this period, and at no time has compensation been given. Once or twice the question was raised by us, but the Pakistan Government did not agree. This matter was fully argued in the case of the Nekowal incident and there ultimately the Pakistan Government agreed to pay a sum of perhaps a hundred thousand rupees,—I am not quite sure.

Shri D. C. Sharma: May I know if the Government of India have given any sum for the relief of the family of the persons from Kashmir who were killed as a result of this border incident?

Shri Jawaharlal Nehru: We always give compensation. I do not know what exactly was given in this particular case, but compensation is invariably given. I would not call it compensation. Relief is given.

Indian Trade Delegation

*223. **Shri M. S. Gurupadaswamy:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that a Trade Delegation toured Sweden recently;

(b) if so, what was the main purpose of the visit of this delegation;

(c) whether the delegation discussed there the question of increased Indo-Swedish Trade; and

(d) if so, with what results?

The Minister of Trade (Shri Karmarkar): (a) to (d). Presumably the hon. Member refers to the Industrial-*cum*-commercial Goodwill Mission which was recently sent to Sweden, Finland and Denmark at the invitation of the Swedish Export Association and the Governments of Finland and Denmark. The report on the work done by the Mission has not so far been received.

Shri M. S. Gurupadaswamy: Who was the leader of the mission?

Shri Karmarkar: Shri H. V. R. Iengar, Secretary, Ministry of Commerce and Industry.

Shri M. S. Gurupadaswamy: May I know whether this mission, after its return, has submitted any report to Government?

Shri Karmarkar: The leader of the mission will submit a report after he has returned. He has not yet returned.

Comfort Survey Committee

*224. **Shri S. C. Samanta:** Will the Minister **Works, Housing and Supply** be pleased to refer to Unstarred Question No. 1633 on 1st May, 1956 and state:

(a) whether Comforts Survey Committee has submitted its reports;

(b) if so, the main recommendations thereof; and

(c) the recommendations that have been implemented?

The Parliamentary Secretary to the Minister of Works, Housing and Supply (Shri P. S. Naskar): (a) Not yet, Sir.

(b) and (c). Do not arise.

Shri S. C. Samanta: In May last the same answer was given to me. May I know when this committee was set up, what are its terms of reference and how long the committee will take to submit its report?

Shri P. S. Naskar: The Comforts Survey Committee was set up in the latter part of 1954 to undertake investigation about the suitability of the houses put up in the International Housing Exhibition. The final report will be issued shortly.

Shri S. C. Samanta: May I know whether all comforts due to this committee have been given?

Foreign Service Inspectorate

*225. **Shri T. B. Vittal Rao:** Will the **Prime Minister** be pleased to state:

(a) whether Government have received the report of the Foreign Service Inspectorate for the year 1954-55; and

(b) if so, whether a copy of the report will be laid on the Table of the Sabha?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a). The Foreign Service Inspectors are not required to send annual reports to Government. They submit a report on the various administrative problems of a mission immediately after it has been inspected.

(b) Does not arise.

Shri T. B. Vittal Rao: May I know if any summary is laid on the Table of the House or in the annual report?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): No, Sir. These are considered departmentally.

Cod-liver Oil

*226. **Shri Madiah Gowda:** Will the Minister of **Commerce and Industry** be pleased to state the quantity and the value of Cod-liver Oil purchased by Government during the last two years?

The Minister of Consumer Industries (Shri Kanungo): The relevant information is not available.

Shri Madiah Gowda: Is not Cod-liver oil purchased by Government departments?

Shri Kanungo: It must be purchased by various dispensaries. It is difficult to obtain information on that.

Shri Madiah Gowda: Is it purchased from indigenous or from foreign sources?

Shri Kanungo: Cod-liver oil is not produced in our country.

Shri V. P. Nayar: In view of the fact that shark liver oil which is now manufactured in India conforms to the specifications and standards of Cod-liver oil especially in its content of vitamins, may I know whether Government have taken any steps to see that Cod-liver oil is not allowed to be imported and that Government departments are made to use shark liver oil?

Shri Kanungo: There are certain demands for Cod liver oil which cannot be replaced by shark liver oil. Wherever cod liver oil can be replaced in pharmaceuticals by shark liver oil, steps are taken by Government in that direction.

Shri V. P. Nayar: May I know whether the attention of the Minister has been drawn to the report of the Pharmaceutical Enquiry Committee, in which it is very definitely stated that shark liver oil as now manufactured in India can be substituted for all purposes where cod liver oil is used, and that the quality of that can further be improved?

Shri Kanungo: That was regarding the pharmaceutical uses, but there are industrial uses of cod liver oil also.

Flood Protection Measures in North Bihar

*227. **Shri Shree Narayan Dass:** Will the Minister of **irrigation and Power** be pleased to state:

(a) the progress made in the direction of flood protection measures undertaken at different places in North Bihar during the current year;

(b) the extent to which they have been affected by floods which have visited those areas recently;

(c) whether any damage has been caused to such protective embankments etc. as have been completed;

(d) if so, the nature of damage and the cost it involves; and

(e) whether any assessment has been made as to the extent to which the protective measures have been able to prevent some areas being flooded, which used to be flooded previously?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) to (e). A statement giving the requisite information is laid on the Table of the House [*See* Appendix II, annexure No. 23]

Shri Shree Narayan Das: From the statement, I find that in the Kosi Project only 114·5 miles of embankments have been constructed. May I know whether the work is proceeding according to plan or there is some delay in this matter.

Shri Hathi: This season's work is nearly complete, but because of the early rains, there was a short delay, and the whole thing could not be completed, but about 87 per cent of the work has been completed. Because of the early rains, some portion could not be finished. Otherwise, the work is proceeding according to schedule.

Shri Shree Narayan Dass: May I know the number and nature of the schemes which are still to be taken up in North Bihar for flood protection?

Shri Hathi: The whole project as it is envisages a barrage at Himannagar and embankmetns on the eastern and western side. That is the general outline of the whole project.

Shri Shree Narayan Dass: May I know whether the town protection measures for Chapra, Khagalia and Sitamarhi are proceeding according to plan?

Shri Hathi: Yes.

Shri Kamath: If I remember aright, the Minister told the House sometime last session that Government were actually considering the suitability of the American pattern or the Chinese pattern of flood control for Indian conditions. Have Government concluded their consideration of this matter, and if so, what is the pattern adopted for India, the Chinese or the American pattern.

Shri Hathi: As I said, the pattern is not peculiar to any Particular country. It varies according to the rivers, the terrain and the nature of the work to be undertaken. What we had experimented upon in the Kosi project was the mobilisation of people to a large extent, collecting the local people, enthusing them and bringing them to work in a spirit of co-operation. That has succeeded in the Kosi area.

Shri Kamath: Am I to understand that with regard to the Kosi, we are applying a genuine Indian pattern, and neither the American nor the Chinese pattern?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I do not know. Perhaps, the hon. Member will enlighten us as to what he thinks is the American or the Chinese or any other pattern.

Shri Kamath: That is what your colleague said.

Shri Jawaharlal Nehru: It is not any such pattern. It is an engineering pattern which is applied, subject to the conditions of the country and the equipments being available. Probably, in the U.S.A, far more machinery will be used, because they have that. Probably, in China, very little machinery will be used. Probably in India, a mixture of machinery and human beings would be used.

Shri Kamath: It is mixed pattern. It is mixed economy. It is a Sino-American mixture then.

Shri Sarangadhar Das : May I know what other measures have been taken besides the construction of the embankments on both sides of the Kosi? May I know whether any reafforestation of the catchment area is being done, and if so, how far it has progressed?

Shri Hathi : In addition to the embankments, there will be a diversion channel which will divert about 50,000 cusecs of additional water from the rivers. That is the other measure which has been taken.

Shri Sarangadhar Das : Is there any reafforestation in the scheme?

The Minister of Planning and Irrigation and Power (Shri Nanda) : In the scheme, there is provision for setting up check dams in order to arrest the large quantity of silt that is flowing into the streams now. To reduce that, there is provision in the scheme for check dams. Besides, there are also other measures relating to soil conservation etc.

Mr. Speaker : The question list is complete. If there is any hon. Member who was not present when he was called earlier, but who has since come, he may get up and indicate to me the number of the question which he wants to put.

Shrimati Renu Chakravartty : Q. No. 210 is very important. May I request that it may be answered?

Mr. Speaker : Is the hon. Member, in whose name that question stands, present in the House ? I find that he is not present.

Shri Radha Raman : May I put that question on his behalf?

Shri Bansal : May I put Q. No. 215 which stands in my name?

Mr. Speaker : Yes.

Indians in Aden

*215. **Shri Bansal :** Will the **Prime Minister** be pleased to state :

(a) whether any representation has been received by Government on the victimisation of Indian employees of Aden Petroleum Refinery Ltd., Aden; and

(b) if so, the action taken on the representation?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : (a) Yes.

(b) Necessary investigations are being conducted through our Commission at Aden and the Protector of Emigrants, Bombay.

Shri Bansal May I know whether the action against these ten persons, who were served notice of dismissal, was taken in accordance with the law of the land, or it was an arbitrary action on the part of the company?

Shri Sadath Ali Khan : In this matter, the Protector of Emigrants, Bombay, contacted the recruiting agents at Bombay, and he was informed that there was no concentrated action on the part of the refineries for any bulk dismissals, as represented in the memorial. It has also been ascertained that only nine of the employees have been registered in the office of the Protector of Emigrants, Bombay, and their repatriations were only cases of islolated discharge at the end of the contract, or on account of redundancy. So, the question of victimisation does not come in.

Shri Bansal : May I know to which question the Parliamentary Secretary has replied? My question is Q. No. 215.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : The answer also is to Q. No. 215.

Shri Sadath Ali Khan : The answer is to Q. No. 215, The hon. Member may look up his question again.

Shri Bansal : The question relates to dismissal of certain employees of the Aden Petroleum Refinery Ltd., Aden. I wonder what it has to do with Bombay.

Shri Sadath Ali Khan : Let me enlighten the hon. Member further. The hon. Member is referring in this question to the employees of the Aden Petroleum Refinery Ltd. I believe they submitted a memorial. On the receipt of this memorial from the Indian employees, we contacted our representative at Aden, that is to say, our Commissioner at Aden, and the Protector of Emigrants, Bombay, who were asked to enquire into the allegations contained in the memorial and to submit reports after due investigation.

That is the case to which I am referring.

श्री रघुनाथ सिंह : क्या सरकार को इस बात का इत्मिनान है कि वहां स्टाफ के साथ सलूक अच्छा होगा ?

श्री जवाहरलाल नेहरू : इसके बारे में हम नहीं कह सकते कि उनके साथ सलूक अच्छा होगा या नहीं या हमें इस पर इत्मिनान है या नहीं । आपने सवाल किया उसका जवाब दे दिया गया । अब जो जवाब हमें मिला उसे आपको बतला दिया । हम कोई जिम्मेदारी उनके सलूक की नहीं ले सकते हैं । जवाब यह है कि नौ आदमी वहां से अलग किये गये जिसमें से कहा जाता है कि एक साहब छुट्टी पर आए थे और आठ निकाले गये । उन आठ में से दो पौचुंगीज़ सब्जैक्ट्स थे जिन्होंने हमारे यहां अपने आपको रजिस्टर नहीं किया था जो छः रह गये उन्होंने रजिस्टर किया था और उनकी निसबत अलग अलग वजुहात दी गई हैं कि क्यों उनको निकाला गया । अब इसकी जांच करना हमारे लिये नामुम्किन है । अगर आप चाहें तो मैं यह बता सकता हूं कि एक एक की निसबत क्या जवाब दिया गया है । मतलब यह है कि यह बात गलत है कि कोई ज्यादा तादाद में लोग अलग किये गये हैं । अब जो वजूहात दी गई हैं मुम्किन है कि वे नाकाफी हों, लेकिन इसके बारे में हम कुछ नहीं कह सकते ।

श्री बंसल : यह जो २३० आदमियों ने एक मैमोरेंडम पर दस्तखत किये हैं और जिसे उन्होंने आपके पास भेजा है और जिस में उन्होंने लिखा है और चार्ज लगाया है कि ये नौ या दस आदमी जो निकाले गये हैं ये विक्टिमाइज़ किये गये हैं । क्या गवर्नमेंट ने इस चार्ज को मालूम करने की कोशिश की है और अगर की है तो क्या इत्तिला उनके पास आई है ?

श्री जवाहरलाल नेहरू : अभी अर्ज किया गया है कि एक एक की निसबत उन्होंने हमें लम्बे जवाब भेजे हैं और अगर आप चाहते हैं तो मैं आपको पढ़कर सुना सकता हूं । अब जो वह कहते हैं वह सही है या गलत है, इसकी जिम्मेवारी नहीं ली जा सकती है ।

श्री बंसल : पूछताछ कीजिये तो मालूम पड़े ।

श्री जवाहरलाल नेहरू : पूछताछ तो की गई है लेकिन और पूछताछ कर ली जायेगी ।

श्री राधा रमण : अध्यक्ष महोदय, अभी मैं ने प्रश्न २१० के विषय में निवेदन किया था । चूंकि सब प्रश्न समाप्त हो गये हैं, इसलिये मैं प्रार्थना करता हूं कि अब इस को ले लिया जाय ।

अध्यक्ष महोदय : अच्छा ।

कन्साइज आक्सफोर्ड डिक्शनरी

*२१०. **श्री अनिरुद्ध सिंह** : क्या **प्रधान मंत्री** यह बताने की कृपा करेंगे कि :

(क) क्या सरकार का ध्यान आक्सफोर्ड कन्साइज डिक्शनरी के १९५१ के चतुर्थ संस्करण की ओर आकृष्ट किया गया है जिसमें पाकिस्तान की व्याख्या करते हुये काश्मीर को उसके राज्य क्षेत्र का अंग बताया गया है: और

(ख) यदि हां, तो इस भ्रमात्मक अंश को निकलवाने के लिये सरकार द्वारा क्या कार्यवाही की गई है ?

वैदेशिक कार्य मंत्री के सभा-सचिव (श्री साबत अली खां): (क) हां, श्रीमान् ।

(ख) लंदन में स्थित भारतीय हाई कमीशन ने इस मामले पर कन्साइज-आक्सफोर्ड डिक्शनरी के संपादक से बातचीत की । संपादक ने यह कैफ़ियत दी कि "काश्मीर"

शब्द का उल्लेख "पाकिस्तान" शब्द की निरुक्ति देते हुये किया गया है, जैसा कि उन ब्रैकिटों द्वारा जाहिर है जो शब्दों के उद्गम को बताने के लिए लगाये जाते हैं। 'पाकिस्तान' नामक मुहावरा, उस राजनीतिक राज्य के बनने से पहले ही गढ़ लिया गया था, और कोश के संपादकों ने 'पाकिस्तान' शब्द की जो निरुक्ति दी है उससे यह मतलब कभी नहीं निकाला जा सकता कि पाकिस्तान में किसी भी समय काश्मीर का कोई भी हिस्सा शामिल था।

Shri B. S. Murthy : We would like to have the answer in English.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : Without giving a mere English translation, may I try to explain their answer? They say that they have given the etymology of the word 'Pakistan' as it was used and coined even before the political Pakistan came into existence. They say it was quite originally 'P' standing for Punjab, 'A' for Afghanistan, 'K' for Kashmir, 'I' for Iran etc. In this sense, they had given it. Subsequently, they have said that since 1947, this is a State of this name. That is how they have explained it. The House may accept this or not.

Shri Gadgil : Any way 'P' does not stand for Panch Shila?

Shri Radha Raman : Do the Government find this explanation satisfactory?

Mr. Speaker : The question hour is over.

WRITTEN ANSWERS TO QUESTIONS

दियासलाई उद्योग

*२०३. **श्री भक्त दर्शन** : क्या उत्पादन मंत्री १८ अप्रैल, १९५६ के तारांकित प्रश्न संख्या ११२८ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) अखिल भारतीय खादी और ग्रामोद्योग बोर्ड ने दियासलाई के निर्माण के लिये दो सौ कुटीर उद्योग-केन्द्र खोलने का जो सुझाव दिया था, क्या उसे स्वीकार कर लिया गया है;

(ख) यदि हां, तो उस योजना की मोटी रूप-रेखा क्या है ;

(ग) उन उद्योग-केन्द्रों को किन-किन स्थानों पर खोला जायेगा ; और

(घ) यदि प्रश्न के भाग (क) का उत्तर नकारात्मक हो, तो कब तक निर्णय हो जाने की आशा है और अब तक उसमें क्या प्रगति हो चुकी है।

उत्पादन मंत्री के सभा-सचिव (श्री रा० गि० दुबे) : (क) जी हां।

(ख) विवरण सभा-पटल पर रख दिया गया है। [देखिये परिशिष्ट २, अनुबन्ध संख्या २४]

(ग) अभी तक कोई निर्णय नहीं किया गया है।

(घ) प्रश्न नहीं उठता।

Import of Green Peas and Tomato Products

*207. **Shri Jhulan Sinha** : Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether it is a fact that green peas and tomato products of the highest standard are being produced abundantly in the country and yet these are allowed to be imported in considerable quantity ;

(b) if so, the exact position in this respect?

The Minister of Trade (Shri Karmarkar) : (a) and (b). As peas and tomato products are not separately listed, the figures of imports of these are not available. The import of peas and tomato juice is a matter of consumer choice.

Training of Steel Technicians

*211. **Dr. Satyawadi** : Will the Minister of **Iron and Steel** be pleased to refer to the reply given to Unstarred Question No. 1897 on the 9th May, 1956 and state :

(a) the number of Engineering graduates selected so far for training abroad;

(b) whether any group of trainees has already been sent abroad;

(c) if so, the number of such trainees and the names of the countries where they have been sent; and

(d) the number of trainees who are already getting training in the different centres in the country?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : (a) 159 graduate engineers selected so far.

(b) Yes, Sir.

(c) 79 trainees of the Rourkela Projec to West Germany.

(d) 11 trainees at the Tata Iron & Steel Works, Jamshedpur.

Chloromycetin

*214. **Dr. Rama Rao** : Will the Minister of **Commerce and Industry** be pleased to state :

(a) the amount of Chloromycetin manufactured in the country in 1955-56;

(b) the amount of Chloromycetin imported in 1954-55, 1955-56 in quantity and value; and

(c) whether Government have any plan to manufacture Chloromycetin, Terramycin and Aureomycin?

The Minister of Heavy Industries (Shri M. M. Shah) : (a) and (b). A statement containing the information is laid on the Table of the House [*See* Appendix II, annexure No. 25].

(c) No specific plan at the moment, though the question of manufacture of these drugs is generally under consideration.

Industrial Development in PEPSU

131. **Shri Ram Krishan** : Will the Minister of **Commerce and Industry** be pleased to state :

(a) the amount of financial aid asked for by the Government of PEPSU for the Industrial Development of the State under the Second Five Year Plan ;

(b) the names of the Industries which will be helped; and

(c) the amount proposed to be given by Government by way of grants and loans separately?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : (a) The Draft Plan submitted by the State did not include any large scale industrial project but it envisaged a total expenditure of 216·76 lakhs rupees on village and small-scale industries and the development of minerals. The Working Group constituted by the Planning Commission for Industries, after considering the proposals of the State Government, recommended a tentative provision of Rs. 200 lakhs for village and small-scale industries subject to revision in the light of Karve Committee's recommendations.

(b) The Draft Plan provides for the continuance of certain schemes initiated in the First Plan and certain new schemes like :—

1. Establishment of Industrial Colonies.
2. Establishment of Industrial Estates.
3. Development of fancy leather industry.
4. Establishment of co-operative industrial undertakings.
5. Development of Mineral and allied Industries.
6. Institute of Special Trades.
7. Institute of Textile Technology.
8. Leather Tanning Institute.
9. Sole Leather and Tanning Institute.

(c) The amount to be given by Government by way of grants and loans cannot be stated at present as it will depend upon the nature of the schemes which he State Government will include within the revised allocations and the pattern of central assistance for such schemes.

Newsreels and Documentaries

132. **Sardar Iqbal Singh** :
Sardar Akarpuri :

Will the Minister of **Information and Broadcasting** be pleased to state name and the total number of newsreels and documentaries distributed to cinemas during the period 1st April to 30th June, 1956 ?

The Minister of Information and Broadcasting (Dr. Keskar) : 13 newsreels and 13 documentaries were

released to cinemas by the Films Division. The names are given below :

Newsreels

Indian News Reviews No. 390 to 402.

Documentaries

Title	Subject
1. Railways Belong to You.;	Proper use of railway facilities and railway property
2. Five Year Plan in the Life of the People (Southern Region).	Development Projects in the Southern Region.
3. Children of God	Removal of untouchability.
4. Story of Salt	Manufacture of Salt.
5. Bharat Natyam	
6. Godavari.	
7. Bee Keeping	
8. Industrial Safety.	
9. Tanjore	
10. Magic of the Mountains.	Summer and Autumn in Kashmir.
11. Growing Wings	Flying Clubs and Gliding.
12. Kakrapar	
13. Report from the Heartlands.	Community Projects in Tribal areas.

Small scale and Large-scale Industries

133. **Sardar Iqbal Singh :**
Sardar Akarpuri :
Shri D. C. Sharma :

Will the Minister of **Commerce and Industry** be pleased to state :

(a) the names of the small-scale and large-scale industries for which the loans or grants have been sanctioned to the Punjab and PEPSU Governments during 1954-55 and 1955-56 ; and

(b) the amount utilized by the Punjab and PEPSU Governments ?

The Minister of Commerce and Industry and Iron and Steel (Shri T T. Krishnamachari) : (a) and (b). A statement giving the available information is laid on the Table of the House. [*See* Appendix II, annexure No.29]

विदेशों में दुकानें अथवा एम्पोरिया

१३४. **श्री रघुनाथ सिंह** : क्या उत्पादन मंत्री यह बताने की कृपा करेंगे कि अखिल भारतीय खादी तथा ग्रामोद्योग बोर्ड द्वारा विदेशों में कितने एम्पोरिया अथवा दुकानें खोली गई हैं ?

उत्पादन मंत्री (श्री क० च० रेड्डी) : अखिल भारतीय खादी तथा ग्रामोद्योग बोर्ड द्वारा विदेशों में कोई दुकान अथवा एम्पोरिया नहीं खोले गये हैं ।

Imported Penicillin

135. **Shri D. C. Sharma** : Will the Minister of **Commerce and Industry** be pleased to state the value of penicillin imported during 1955-56 ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : Rs. 1,79,71,000.

Indians in Japan

136. **Shri D. C. Sharma** : Will the **Prime Minister** be pleased to state :

(a) the number of Indian nationals residing in Japan at present ;

(b) the number of such persons among them who have acquired citizenship of Japan ; and

(c) the number of those who are still Indian nationals ?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : (a) to (c). The number of Indian nationals residing in Japan as in 1954 was 501 of whom only one acquired citizenship of Japan.

संभरण तथा उत्सर्जन

१३७. **श्री खू० चं० सोखिया** : क्या निर्माण, आवास और सम्भरण मंत्री यह बताने की कृपा करेंगे कि :

(क) इण्डिया भाण्डार विभाग, लन्दन और इण्डिया संभरण मिशन, वाशिंगटन पर प्रति वर्ष कितना खर्च होता है;

(ख) इन विभागों में क्रमशः कितने विदेशी व्यक्ति कार्य कर रहे हैं ?

निर्माण, आवास और सम्भरण मंत्री के सभा-सचिव (श्री पू० शे० नास्कर) : (क) पिछले तीन सालों में इण्डिया स्टोर डिपार्टमेंट, लन्दन और इण्डिया सप्लाई मिशन, वाशिंगटन का सालाना खर्च इस प्रकार है :

	इण्डिया स्टोर डिपार्टमेंट लन्दन	इण्डिया सप्लाई मिशन वाशिंगटन
	रुपये	रुपये
१९५३–५४	५१,७९,०९३	२१,२१,५४६
१९५४–५५	५५,३०,८४०	१९,७२,२९०
१९५५–५६	५६,४२,५२०	२०,२५,८००

(ख) पिछले तीन सालों में इण्डिया स्टोर डिपार्टमेंट लन्दन और इण्डिया सप्लाई मिशन वाशिंगटन में काम करने वाले विदेशी व्यक्तियों की संख्या इस प्रकार है :—

	इण्डिया स्टोर डिपार्टमेंट, लन्दन	इण्डिया सप्लाई मिशन वाशिंगटन
१–१–१९५४ को	२१५	५६
१–१–१९५५ को	१९२	५२
१–१–१९५६ को	१८५	४७

Directorate-General of Commercial Intelligence and Statistics

138. Shri Tulsidas : Will the Minister of **Commerce and Industry** be pleased to state :

(a) the number of meetings of the Advisory Committee attached to the Directorate-General of Commercial Intelligence and Statistics, held so far from the time of its inception ; and

(b) the subjects discussed and the decisions taken ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : (a) Only one meeting has been held so far.

(b) The Committee discussed matters relating to :—

(1) compilation of a booklet giving information about various kinds of taxes levied by the Central and State Governments ;

(2) change over from the current classification of goods in the foreign trade accounts to an amplified list based on the Standard International Trade Classification ; and

(3) expansion of and improvement in commercial intelligence work.

Raw Silk

139. Shri Dhusiya : Will the Minister of **Production** be pleased to state :

(a) what percentage of imported raw silk is generally consumed at Banaras ;

(b) at what price it was imported in the years 1953, 1954 and 1955 ; and

(c) the price at which it was distributed to weavers at Banaras during these years ?

The Minister of Production (Shri K. C. Reddy) : (a) About 58 per cent.

(b) The landed costs were as follows :

	Rs. As. Ps. Per lb.
1953	34-11-2
1954	31-2-3
1955	30-3-4

(c) 1953 Rs. 37/8 to Rs. 50/-
1954 Rs. 35/8 to Rs. 55/-
1955 Rs. 37/8 to Rs. 42/-

Till the end of 1954 raw silk was imported through established trade channels and internal prices were fluctuating as above. From January 1955 imports were canalised through the Silk Board and sale prices were fixed by Government.

DAILY DIGEST

[*Tuesday, the 24th July, 1956*]

Oral Answers to Questions :

S.Q. No.	Subject	*Columns.*
197	Indian Foreign Service	261—63
198	Ambar Charkha	263—64
199	Amalgamation of small collieries	264—65
200	Broadcasts on Untouchability	265—66.
201	Production of Electricity	266—67
202	Indo-Burma Trade Agreement	267—68
204	Indigenous System of Medicine	268—70
205	Village Libraries	270—71
206	Small Industries Service Institutes	271—72
208	D. D. T. Factory in Travancore-Cochin	272—73
209	Technical Personnel for Coal Production	273—75
212	Rourkela Steel Plant	275
213	Central Public Works Department	275—76
216	Manufacture of Heavy Machinery	276—78
217	A. I. R. Cuttack	278—79
218	Burmah Shell Oil Refinery	279—80
219	Bhavnagar Oil Refinery Project	280
220	Film Documentaries	280—81
221	Grants to PEPSU for Irrigation Purposes	281
222	Border Incident	281—83
223	Indian Trade Delegation	283
224	Comforts Survey Committee	283—84
225	Foreign Service Inspectorate	284
226	Cod-Liver Oil	284—85
227	Flood protection Measures in North Bihar	285—87
215	Indians in Aden	287—90
210	Concise Oxford Dictionary	290—91

Written Answers to Questions:

S.Q. No.		
203	Match Industry	291—92
207	Import of Green Peas and Tomato Products	292
211	Training of Steel Technicians	292—93
214	Chloromycetin	293
U.S.Q. No.		
131	Industrial Development in PEPSU	293—94
132	Newsreels and Documentaries	294—95
133	Small-scale and Large-scale Industries	295
134	Shops or Emporia in Foreign Countries	296
135	Imported Penicillin	296
136	Indians in Japan	296
137	Supplies and Disposals	296—97
138	Directorate-General of Commercial Intelligence and Statistics	297—98
139	Raw Silk	298

GIPDND—HS—350 LS—17-9-56—900

CONTENTS

	Columns
Motion for Adjournment	621—24
Strike notice by Visakhapatnam Harbour and Port Workers Union	
Papers laid on the Table	625—26
Business Advisory Committee—	
Thirty-eighth Report.	626—33
Industrial Disputes (Amendment and Miscellaneous Provisions) Bill—	
Motion to consider	633—60
Shri S. L. Saksena	634—38
Shri B. S. Murthy	638—40
Shri T. B. Vittal Rao	640,641—47
Shri Khandubhai Desai	647—50,651—60
Clauses 2 to 33, clause 1	660—806
Motion to pass as amended	806
Daily Digest	807—08

LOK SABHA

Tuesday, 24th July, 1956

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

12 NOON.

MOTION FOR ADJOURNMENT

STRIKE NOTICE BY VISAKHAPATNAM HARBOUR AND PORT WORKERS UNION

The Deputy Minister of Railways and Transport (Shri Alagesan): Mr. Speaker, Sir, the other day I informed the House that I would make a statement today about the threatened strike at Visakhapatnam Port. In the period since the receipt of the strike notice from the Union on the 17th instant, talks have taken place between the Conciliation Officer of the Labour Ministry and the Union representatives, as well as between the latter and the Deputy General Manager and other officials of the South Eastern Railway. The result of these talks is that the general strike has been postponed. The South Eastern Railway Administration has reported that further meetings between the General Manager and representatives of the Union will take place after a few days to continue the discussion on the various points raised by the Union. Two of these points relate to the giving of certain assurances in the event of the Port being transferred to the administrative control of the Transport Ministry. This transfer is under examination and the points that have been raised will be given due consideration before decisions are taken.

While the general strike has been postponed, a strike of 13 signal men employed at the Port, which was commenced on 16-7-56, and which led to the Union passing a Resolution in favour of a general strike, is still continuing. The three demands made by the strikers have been considered fully and the correct position in respect of them explained to the workers. Further discussions are being held with them with a view to reach an agreement and bring the strike to an end.

Dr. Lanka Sundaram (Visakhapatnam): In view of the fact just mentioned by the Deputy Minister, that the signallers' strike is continuing and negotiations are proceeding, may I request you to direct him to make a further statement here when the negotiations are completed with reference to this particular portion of the strike?

Shri A. K. Gopalan (Cannanore): The other day I said that in other ports also the workers had given notice of strike or were going to give notice of strike. May I request the hon. Deputy Minister to see that as far as port workers are concerned, some kind of an inquiry into their conditions is made so that the Government may understand what the difficulties of the workers are? As far as the Cochin Port is concerned, similar disputes are there. Conciliation was arranged by the labour officers. They may also be instructed to see that some kind of a settlement is reached immediately on the pending

[Shri A. K. Gopalan]

disputes. They had also given notice of strike, but we persuaded them not to strike.

Shri Asoka Mehta (Bhandara): There is already a strike in the Bombay Port. I do not know whether the Minister is aware of it. The crane drivers, who constitute one of the most important sections of workers in Bombay—or for that matter, in any port—have been on strike, I believe, since Sunday. I do not know if the Minister has looked into the matter. I would very much like him to make a statement on that.

Shri Frank Anthony (Nominated—Anglo-Indians): May I request the Minister to look into this matter with a view not to transferring the Port workers to the Transport Ministry? That is their main grievance. I do not know what the immediate occasion is, but several official committees and commissions have gone into this matter. I think the Cambridge Committee categorically recommended that the Port workers should not be transferred away from the railways. If they are transferred, all manner of complications are going to arise with regard to their prospects, with regard to their amenities and with regard to their privileges, and it would be a gratuitous step. I would ask the Ministry to bear this in view, that according to the recommendations of various committees, there is a categorical statement that the Port workers should continue to be under the Railway Administration.

Shri Alagesan: I thought the adjournment motion confined itself to the threatened strike at Visakhapatnam. So you will permit me not to deal with the other points raised by hon. Members.

As far as the strike of the signal men goes, if you so direct, after the negotiations have been completed and a satisfactory agreement has been reached, I have no objection to come here and make a statement in that behalf.

As far as what Shri Frank Anthony said is concerned, namely, regarding the transfer of the Port workers from the control of the Railway Administration to that of the Transport Ministry, a portion of the statement that I read deals with that. Certain demands, in the event of the transfer of the Port workers to the Transport Ministry, were made by the workers, and suitable assurances have been given that the points they raised in that connection will be borne in mind.

Dr. Lanka Sundaram: May I just have a clarification? Do I take it that when eventually the Port is transferred to the Transport Ministry, the working conditions and rights and privileges of the then existing staff under the Railway Administration will not be lowered down or whittled down? Is that the implication of the Deputy Minister's statement?

Shri Alagesan: All those things will be duly examined.

Shri A. K. Gopalan: I had said something about the Cochin Port workers to which a reply has not been given. Because there was no strike in one place is no ground for not examining their grievances. As I said, they had given notice of a strike but action was suspended at our instance. So I want to know whether similar action in regard to settlement of the disputes so far as the Cochin Port workers are concerned will be taken.

Mr. Speaker: So far as the adjournment motion is concerned, the statement clarifies the position. In view of the statement, I do not think that consent need be given to the motion. Therefore, consent is not given.

So far as the other matters are concerned, both the hon. Ministers in charge of the Railways and Transport have heard every suggestion that has been made, and I am sure all proper steps will be taken. No further action is called for here now.

PAPERS LAID ON THE TABLE

Annual Reports of Air India International Corporation and Indian Airlines Corporation

The Minister of Communications (Shri Jagjivan Ram): I beg to lay on the Table a copy of each of the following Reports, under sub-section (2) of section 37 of the Air Corporations Act, 1953:

(1) Second Annual Report of the Air India International Corporation, 1954-55. [*Placed in Library. See* No. S—256/56.]

(2) Second Annual Report of the Indian Airlines Corporation, 1954-55. [*Placed in Library. See* No. S—257/56.]

Registration of Newspapers (Central) Rules

The Minister of Information and Broadcasting (Dr. Keskar): I beg to lay on the Table, under sub-section 2 of section 20A of the Press and Registration of Books Act, 1867, a copy of the Registration of Newspapers (Central) Rules, 1956, published in the Ministry of Information and Broadcasting Notification No. S.R.O. 1519, dated the 28th June, 1956. [*Placed in Library. See* No. S—258/56.]

Representation of the People (Preparation of Electoral Rolls) Rules, 1956

The Minister of Legal Affairs (Shri Pataskar): I beg to lay on the Table, under sub-section (3) of section 28 of the Representation of the People Act, 1950, a copy of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, published in the Ministry of Law Notification No. S.R.O. 1349, dated the 11th June, 1956. [*Placed in Library. See* No. S—259/56)

Shri S. S. More (Sholapur): May I know whether these rules will be circulated to us, because they are important rules?

Mr. Speaker: I do not know what the practice is.

Shri S. S. More: Particularly, as these rules are under the Representation of the People Act, we think they should be circulated to us so that we can apply our minds and table the necessary amendments.

Shri Kamath (Hoshangabad): May I know whether the rules under the bigger Act, the Representation of the People Act, 1951, will be brought before the House this session?

Shri Pataskar: I am not exactly aware just now. As soon as they are ready, I will try to expedite and see that they are placed on the Table of House.

Proceedings and Synopsis of Committee 'C' on Five Year Plan

Pandit Thakur Das Bhargava (Gurgaon): Sir, I beg to lay on the Table the proceedings and synopsis of Committee 'C' on the Five Year Plan. [*Placed in Library. See.* Nos. S-265/56 and S-266/56.

BUSINESS ADVISORY COMMITTEE

Thirty-eighth Report

Mr. Speaker: Now we take up further consideration of the following motion moved by Shri Satya Narayan Sinha on the 21st July, 1956, namely:—

> "That this House agrees with the Thirty-eighth Report of the Business Advisory Committee presented to the House on the 18th July, 1956."

Hon. Members are aware that, for all the amendments to this motion, the time allotted is only half an hour and so every hon. Member can take only 5 minutes.

Shri Kamath (Hoshangabad): Mr. Speaker, I have the honour to move this amendment standing jointly in the names of five of my hon. colleagues and myself.

[Shri Kamath]

I beg to move:

That at the end of the motion, the following be added:

"subject to the modification that—

(1) '70 hours' instead of '45 hours' be allotted to the consideration and passing of the States Reorganisation Bill as reported by the Joint Committee ;
(2) '20 hours' instead of '15 hours' be allotted to the consideration and passing of the Constitution (Ninth Amendment) Bill as reported by the Joint Committee ; and
(3) '10 hours' instead of '6 hours' be allotted to the motion for reference of the Bihar and West Bengal (Transfer of Territories Bill to a Joint Committee."

Time may be increased at the discretion of the Speaker

This amendment seeks to increase the time allotted to three of the Bills named in this Report, 1, 2 and 3. It seeks to increase the time allotted for the first Bill from 45 hours to 70 hours, for the second Bill, the Constitution (Amendment) Bill, from 15 hours to 20 hours and the Bengal Bihar Bill, from 6 hours to 10 hours—a total of 100 hours.

I submit that these are most important and radical pieces of legislation brought before this House. Apart from the fact that these three Bills together will bring about a large change in the politico-administrative set-up of the country, I believe that the States Reorganisation Bill is the only Bill whose career inside this House has been marked outside by unprecedented, brutal and bloody repression, while all the time....

Mr. Speaker: We are not going into the merits of all that. The hon. Minister who has moved this motion cannot be expected to go into all these and answer anything. The simple point is, in view of the subject-matter of the Bill, the hon. Member wants more time and he may say what time is necessary.

Shri Kamath: I would certainly request the House and you to consider the importance of these three Bills. I suggest that there should be no tendency to hustle, to muzzle or to throttle discussion in this House. I am sure you will see to it that any such tendency on the part of the Treasury Benches, will be curbed very firmly and even sternly. I would request you not to accept during the course of discussion in this House any motion for closure and also not to apply the guillotine in case it is asked for, or otherwise.

Mr. Speaker: We are in the course of a discussion for increasing the number of hours.

Shri Kamath: Therefore, I would request the House to accept the amendment. The time allotted by the Committee is only 66 hours. Considering the importance of the three Bills, I have no doubt the House will agree that the floore, the minimum to be fixed for this discussion must be 100 hours. You may, in your discretion, increase the time later; but, there should be a minimum of 100 hours, 70, 20 and 10 hours for the three Bills respectively. I would commend this amendment to the acceptance of the House.

Mr. Speaker: Amendment moved:

That at the end of the motion, the following be added:

"subject to the modification that—

(1) '70 hours' instead of '45 hours' be allotted to the consideration and passing of the States Reorganisation Bill as reported by the Joint Committee ;
(2) '20 hours' instead of '15 hours' be allotted to the consideration and passing of the Constitution (Ninth Amendment) Bill as reported by the Joint Committee ; and
(3) '10 hours' instead of '6 hours' be allotted to the motion for reference of the Bihar and West Bengal (Transfer of Territories) Bill to a Joint Committee".

Time may be increased at the discretion of the Speaker.

Shri M. S. Gurupadaswamy (Mysore): If there is too much pressure on the time of the House, may I suggest that we sit longer hours (*Interruption*) so that hon. Members may have longer time?

Shri S. S. More (Sholapur): As far as the first Bill, the States Reorganisation Bill, is concerned, we all know that we are concerned with the redrawing of the map of India and almost all the States are in the melting pot and there are different subjects on which passions have been aroused and people are moved to the very depth of their feelings. In view of this fact and also the fact that this is the last phase of our discussion, it can be most appropriate for the House to allot a larger volume of time for this measure. In the original Report itself you will see that some latitude was given to you to extend the time, if necessary. But, taking that into consideration, we are trying to categorise that instead of having 45 hours, let the time which is supposed to be kept at your disposal be also utilised and the time be extended to about 70 hours. That will give necessary room for expressing the feelings that many people are having and that will be more feasible for the passage of the Bill and for all sides to be heard properly.

Shri A. M. Thomas (Ernakulam): I agree that this is a very important Bill and there must be sufficient discussion on th e Bill. But what I wish to submit is that we should also have some sense of proportion. We know that the S.R.C. Report was discussed for a number of days and the States Reorganisation Bill was discussed before it was referred to a Joint Committee for a number of days and this is the third occasion when we are discussing the same subject matter. There are members of the Congress Party in the Business Advisory Committee who even differed from the Government point of view with regard to the allocation of time if it was necessary. As far as possible, we arrived at an agreed time-table on the various Bills. In this matter, although Government suggested 30 and 15 hours, what the Business Advisory Committee has unanimously decided is 45 hours for S. R. Bill and 15 hours for the Constitution Amendment Bill. Power is also given to the Speaker to extend the time if he finds that necessary. I think that power is given to meet a situation when it may become necessary. In a matter like this, when the Business Advisory Committee, consisting of representatives of all the different sections of the House, has taken a decision, it is not proper for the House to depart from it. (*Interruptions*)

Shri S. S. More: The House is supreme.

Shri A. M. Thomas: It is no doubt supreme. But, when the various points have been taken into consideration by the Business Advisory Committee, I think the time that has been allocated by the Committee should be adhered to.

Shri Gadgil (Poona Central): The S. R. C. Report was discussed for nearly 8 days; later on, there was a discussion when there was a motion to refer the Bill to a Joint Committee. We believe in discussion and that is the only mechanism open to us to convince those who are not with us. If you think that by discussing it just for a few hours it can be finished, then, why not go immediately into the voting lobbies and be done with it? But, since it is nobody's desire and since we are all agreed on discussion being the soul of democracy, it must be given a fair chance.

I agree with Shri Thomas that the unanimous decision of the Business Advisory Committee should not normally be opposed. But here is an exceptional case. I do not know how far people will agree with me that in this House there are persons with whom certain things are matters of great principle and life-long value. If you cannot agree with them, you owe it to your conscience, you owe it to

[Shri Gadgil]

the democratic method that you must give them sufficient time to speak out whatever they feel within the limit of parliamentary propriety. I therefore very respectfully suggest both to you and also to the Leader of Government that I am not going as far as 100 hours suggested by my esteemed friend Shri Kamath, but since the Business Advisory Committee has given you discretion, I would suggest that the discretion should work to take it up to 60 hours so far as the States Reorganisation Bill is concerned, apart from the 15 hours reserved for the consideration of the Constitution (Ninth Amendment) Bill. I do not want you to be definite and specific now. You will certainly watch the course of the discussion, and if you feel that in justice the various views held by the various Members require some more time to be granted, I think you should have the descretion to grant it, and with that this matter may rest.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): As you know, Sir, I was not here when this matter was considered in the last few days.....

Shri Kamath: This was not considered at all here.

Shri Jawaharlal Nehru: I mean, in the Business Advisory Committee. My colleague, the Home Minister, who is chiefly concerned with it has unfortunately got fever today and has not been able to come here. But I gather that this question was very fully discussed in the Business Advisory Committee, and the time originally suggested on behalf of Government was increased considerably in order to satisfy the feelings of other Members and other groups in this House. Ultimately, it was made into 45 hours, to describe which as throttling discussion, as an hon. Member opposite said, is rather a misuse of language, to say the least of it. Government does not wish, in any sense, to limit discussion to the disadvantage of the consideration of this measure, but there is a limit to every discussion. Sometimes, a vague, indefinite discussion does not do any good even to the proper comprehension of the Bill. I do submit that somewhat greater respect should be paid to the unanimous decision of the Business Advisory Committee. It is always open to you, Sir, if you think it necessary in the circumstances, to extend the time a little. That is in your discretion. My hon. friend, Shri Gadgil, said something about your discretion. So far as your discretion is concerned, nobody, and certainly none on the side of Government, can challenge it. If you think that a particular aspect of the matter has not been properly brought out, and that a little more time should be given, I have no doubt that you will exercise that discretion and we will gladly agree with it. But I would submit that for the moment we should accept the timings as suggested by the Business Advisory Committee.

Mr. Speaker: In this particular case, the Business Advisory Committee itself thought that if in the trend of events here the discussion necessitates further time to be granted to hon. Members to place any new points of view or stress certain points, the Speaker should be enabled to increase the time allotted and the Committee has empowered the Speaker to do so. I am sure I will be watching the course of the debate, and if there is any necessity, I will see to it that no section of opinion goes without representation. I will, therefore, put it to the vote of the House with that qualification in the Order Paper, that is, that the time may be extended at the discretion of the Speaker.

Shri S. S. More: It is already there.

Mr. Speaker: Therefore, I will put it to the vote of the House.

The question is:

That at the end of the motion, the following be added:

"subject to the modification that—

(1) '70 hours' instead of '45 hours' be allotted to the consideration and passing of the States Reorganisation Bill as reported by the Joint Committee;

(2) '20 hours' instead of '15 hours' be allotted to the consideration and passing of the Constitution (Ninth Amendment) Bill as reported by the Joint Committee; and

(3) '10 hours' instead of '6 hours' be allotted to the motion for reference of the Bihar and West Bengal (Transfer of Territories) Bill to a Joint Committee."

The motion was negatived.

Mr. Speaker: The question is:

"That this House agrees with the Thirty-eighth Report of the Business Advisory Committee presented to the House on the 18th July, 1956."

The motion was adopted.

INDUSTRIAL DISPUTES (AMENDMENT AND MISCELLANEOUS PROVISIONS) Bill—*Concld.*

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri Khandubhai K. Desai on the 20th July, 1956:

"That the Bill further to amend the Industrial Disputes Act, 1947 and the Industrial Employment (Standing Orders) Act, 1946 and to repeal the Industrial Disputes (Appellate Tribunal) Act, 1950, be taken into consideration."

The time allotted is 10 hours and the time taken is 5 hours 5 minutes. The House agreed that six hours may be allotted for general discussion and four hours for clause by clause consideration. May I know how long the hon. Minister would take for his reply?

The Minister of Labour (Shri Khandubhai Desai): About half an hour.

Mr. Speaker: Then we have about fifteen minutes more left....

Dr. Lanka Sundaram (Vishakhapatnam): May I make a suggestion? Under the present allotment, the Bill may go up to 5-30 P.M. I would suggest that the Bihar and West Bengal (Transfer of Territories) Bill be taken up tomorrow,—there only remains about 30 minutes today—so that there will be unity of approach when that Bills is considered.

The Prime Minister and the Minister of External Affairs (Shri Jawaharlal Nehru): We are agreeable to that suggestion.

Mr. Speaker: That means that one more hour will be allotted to the present Bill. I now call upon Shri S. L. Saksena to speak.

Shri B. S. Murthy (Eluru): Before he begins, on a point of information, may I say this? You, Sir, wanted the names to be sent the other day. I was one of those that have sent their names. My name had not been called that day and has not been called today also, but Members who did not send their names were being called.

Mr. Speaker: I did not say that I would call only those whose names were sent. They must send their names, and in addition, they must stand.

Shri B. S. Murthy: I stood earlier than my hon. friend.

Mr. Speaker: I am sorry that he obstructed my vision. Both hon. Members will have their opportunities.

Shri S. L. Saksena (Gorakhpur Distt.—North): I am very sorry for having stood in the way of my hon. friend, Shri Murthy.

[Shri S. L. Saksena]

One aspect of this legislation needs to be brought before the House. There are many improvements and suggestions made in the Bill. Some omissions have been pointed out by some hon. Members, but one which has not been so far pointed out is what I would like to bring to the notice of the hon. Minister.

Under the present Industrial Disputes Act, the normal procedure is that first a dispute is referred to the Conciliation Officer or to a Court of Conciliation, and if there is an agreement, that concludes the proceedings. If there is no agreement, a report is sent to the Government. The Government considers it and then it may refer the matter to adjudication or not. There has been much heartburning on this question. On many occasions the choice has been allowed to the Government and this option has been misused against the opposition parties. There are very important cases which have not been referred to adjudication merely because they happened to be cases of unions which were not in favour of the Government. When the Working Journalists Bill was being considered here, I pointed out that the discretion of the Government might be misused and even the journalists may not have a fair deal. The hon. Minister promised that in the Bill that is being discussed today he would bring in an amendment to remedy that defect. I vainly sought for that amendment but could not find it. I, therefore, suggest to the hon. Minister to amend section 12 by having a separate clause in order to give the right to every worker to take his case to adjudication.

You want peace in industry. One of the most important considerations is this. Every worker should feel that justice has been done to him. Suppose a worker has been dismissed, he then goes to the Court of Conciliation. The Court hears him. No agreement is possible and, therefore, a report is made to Government. But then the report is shelved by the Government. So, he cannot have satisfaction that he has had a fair trial of presenting his case for adjudication. That is one of the main reasons why there are so many strikes and industrial disputes. To guard against the accusation that the Government is partial to certain unions, it should give the right to every worker to take his case to adjudication. This provision gives too much power to the labour officers. He has power to make a recommendation to the Government to refer that dispute for adjudication or not. There are big industrialists and sometimes they want to win their cases at any cost. The labour officers are sometimes tempted to act in a particular way. My experience of the working of this Act for several years has been that many labour officers are bribed by the mill-owners to do certain things and this is the main reason for the industrial unrest, particularly in my state. There has been a lot of agitation in the Press and clamour from the trade unions that there should be an amendment in this respect. I have given notice of an amendment in this connection. I gave it yesterday and I would request the hon. Speaker to waive the delay and permit me to move it. I have said there that there should be an amendment to clauses 10 and 11 of the present Act which will make a provision for referring some of these cases to compulsory adjudication. I would rather wish that there was a provision for every worker to approach the courts if the conciliation boards were not able to settle the matter.

In case the Government is not prepared to go so far, I would request it to give this right at least in some cases. We can go to the appellate tribunal only in certain cases of an important and fundamental nature. In those cases where an appeal could be filed before the appellate tribunal, if there is no agreement the worker

should have a right to claim adjudication as a matter of right. This will prevent frivolous cases from being taken to the courts. There will be a feeling that justice is done and there will not be any feeling of grievance.

Even if this is not acceptable to the Government, at least in the case of dismissal of a worker, he should have a right to take the case automatically for adjudication. I will give an illustration. In Satna jute mill, a thousand workers were dismissed. There was an illegal lock-out.

The Deputy Minister of Labour (Shri Abid Ali): When?

Shri S. L. Saksena: Only last year. I raised this question here also. The case was referred to a board for adjudication. There were three members. The labour officer was there. I was there representing the workers. The secretary of the mill-owners' association was the third member. We sat together to consider this and I sent a report that it was a very fit case for adjudication because no agreement could be arrived at. But, after three months of delay, Government decided that it was not a fit case. I refer to the U. P. Government. One thousand workers are dismissed and their organisation has no right to go to a tribunal to get justice. This is one of the causes which lead to industrial unrest. Such things bring forth accusations that there has been favouritism, etc. Similarly, when the labour officers try these cases, the millowners try to grease their palm in every possible way and the result is that the whole machinery becomes corrupt.

After 15 or 20 years of service, if a man is dismissed, he should have an automatic right to go to a tribunal for adjudication.

I have tabled three amendments, the first saying that there should be an automatic right for every worker whose case cannot be disposed of by the conciliation board to approach the industrial tribunal. If that is not agreeable, that right should be granted at least to those persons whose cases can be taken to the appellate tribunal in appeal. This right should be allowed to people who are victimised or dismissed so that they may have a right to go before the tribunal and see that justice is done to them.

These aspects are very important. The Minister promised to bring an amendment on certain lines on a previous occasion and I hope he will fulfil that promise and accept my amendment. I also hope that the hon. Speaker will waive the limitation of time and permit me to move my amendments.

Shri B. S. Murthy: I welcome this Bill. The working class people have been long waiting for this Bill. Year after year, it has been postponed and so it is now a welcome measure though, as Shri Giri said, it is a truncated measure. The workers in India are now very much dissatisfied because the capitalists and industrialists are taking recourse to retrenchment on some pretext or the other. The Labour Ministry at the Centre is unable to help these victims of retrenchment.

We have been talking about the socialist pattern of society and an attempt to create an industrial democracy is a prerequisite to it. For this purpose, it is quite essential that the workers should feel satisfied. We are already on the threshold of the Second Plan and that is an industrial plan. Therefore, there is much more urgency to have the willing cooperation of the workers.

This Bill does not go to the full length to give them full satisfaction. Though I think that the Bill is truncated, it must come into force immediately. Early steps should be taken to remove such lacunae as are taken advantage of by the capitalists.

There is another grievance of the workers and it relates to the recognition of trade unions. As has been stated earlier, a Bill was passed but it had not seen the light of the day.

[Shri B. S. Murthy]

It has not yet received the assent of the President. I do not know why it is delayed like that. It is good to have strong unions so that the strength of the unions shall compel the employer to give recognition to the union. The workers themselves should wring out recognition. In this country, trade unionism has not been fully appreciated by all sections of the people, including the workers themselves. There is also the threat of victimisation whenever any person tries to work for the trade union movement. Therefore, the Government should see that necessary protection is given for all unions wherever a majority of members constitute into one unit. I know many instances where even the workers who came forward to organise trade unions were being either dismissed or sent away on some pretext or the other. The question of recognition must also, therefore, be taken as early as possible and it must be seen that no victimisation is resorted to by the capitalists and industrialists. In this connection I may say that the question of giving recognition to unions has been in the air since 1937—the time when the first Congress Ministry came into existence. From 1937 to 1957 nearly two decades have passed and no action has been taken on this question. Therefore, I think the time has come when the Labour Ministry should see that proper guidance and, at the same time, proper protection are given to the trade union workers and all genuine trade unions should be given recognition *ipso facto*.

In this connection I want to refer to section 33. I cannot understand why the Minister is not able to understand the amount of pent-up agony of the workers. Previously a worker could not be discharged while a dispute was pending, but today the industrialists, the capitalists or the management can easily dispense with his services on some pretext or other; it may be victimisation. Therefore, a right that has been enjoyed, and is being enjoyed, is now being taken away by this Bill. I would request the Minister and the Government to see that the right already enjoyed by the working class is not taken away and is given back in this Bill itself.

Another point I want to stress here is that the Government takes the right either to reject an award or to modify it which, I think, is against all principles of justice. When a Tribunal is appointed to give its award over a dispute, I do not think the Government should interfere with that award. The award of the Tribunal must be implemented and any party which tries to circumvent it must be given the necessary punishment. Instead of that, if the Government under some pretext or other would like to modify the award it will have very bad results. I think I need not quote a very unhealthy incident that has taken place in this connection. It is better that the award, as it is, is implemented and both the parties are made to agree to its implementation. I do not think the Government is advised to take sides on behalf of the employers or the employees. Even if an employer or the employees lose something due to the award, that does not matter. An award is an award and it must be implemented. Therefore, I think the Government should also see that they do not take this power either to modify or to reject an award. I am sure this right will again vitiate the industrial peace.

With these few remarks, I commend this Bill and I request the hon. Labour Minister once again—as Shri Venkataraman said—to see that this Bill is in right earnest to help the working-class people of India.

Shri T. B. Vittal Rao (Khammam): Mr. Speaker, Sir.....

Mr. Speaker: I propose to call the hon. Minister at one o'clock.

Shri T. B. Vittal Rao: How many minutes are there for me, Sir?

An Hon. Member: 15 minutes.

Shri T. B. Vittal Rao: Mr. Speaker, this amending Bill which has been brought forward by the Labour Minister,—though he has said while moving for the consideration of the Bill that this is not the last word on the subject—I am compelled to state, does not fit in with the economic policy accepted by this House or by the Government; that is, for the building up of a socialistic pattern of society. Today when we consider any amending Bill seeking to amend the Industrial Disputes Act, we have to take into consideration that it is going to affect nearly 30 lakhs of workmen governed by the Factories Act and over nearly a million workers under the Plantation Labour Act. There are also about 6 lakhs workers under the Mines Act. Therefore, I am afraid, the Minister has not given the importance that the Bill deserved.

Though there are certain salient features in this Bill, I am not fully satisfied with it. There are certain salient features; for example, the abolition of the Labour Appellate Tribunal. We have been very sore about it and it is good that the Labour Appellate Tribunal goes away. I will cite only one instance about it. When we had asked that we should get two national holidays with pay for the coal mines workers in Bihar-Bengal Belt, the issue was referred to adjudication some time in the latter half of 1952. The Industrial Tribunal gave its award some time in 1953. But the employers, though they have to spend for nearly 2,40,000 workers in the mines and only Rs. 7 lakhs if two holidays are given with pay, preferred an appeal and the judgment from the Labour Appellate Tribunal has come only two months ago upholding the workers' contention that they should be given paid holidays for those two national holidays.

There is one provision about the Railway Establishment Code. The whole operation of the Act, it seems, is not likely to cover the railwaymen. In the Railways the position today is that there is a permanent negotiating machinery. The functioning of the permanent negotiating machinery has been very unhappy. Even the officers of the Chief Labour Commissioner cannot go into the grievances of these railwaymen. I have known several cases where the grievances could not be redressed by the railway authorities. When these cases were referred to the Conciliation Officers, the Conciliation Officer concerned wrote to the railway administration but the authorities there do not reply at all. That is the position. We are told by the Deputy Minister that the Industrial Disputes Act does not operate for railwaymen as far as the powers of the Conciliation Officers are concerned.

Shri Abid Ali: When did I say that? I never said it.

Shri T. B. Vittal Rao: You said it when the Kharagpur strike was there. Even now I can tell you this. You just take the question of railway disputes. What has been the role of the conciliation machinery? What has been the role of the Regional Labour Commissioner? What has been the role of the Chief Labour Commissioner? In matters affecting railwaymen and in matters connected with their grievances you will see that they have not been able to do much.

Shri Nambiar (Mayuram): Only drawing salaries.

Shri T. B. Vittal Rao: One more right which the Government still wants is the right to pick and choose the grievances when any dispute is to be referred to adjudication. This right of picking and choosing has acted against the interests of the workers. As it is, when a memorandum to go on strike is submitted and there are ten grievances in a dispute and the Government takes only three out of them to be referred to adjudication, with regard to the other seven grievances the workers cannot give strike notice, they cannot go on strike or take other steps. If they go on strike it becomes illegal and 'illegal'

[Shri T. B. Vittal Rao]

means the whole police force comes and repression is there because it is an illegal strike. This right of picking and choosing grievances for reference to the adjudication should not have been there. Whatever be the grievances—there may be a very few frivolous grievances from the point of view of the Government—let the adjudicator decide the case.

Then I come to the point about recognition of the unions. It is easily said by the Government that the political rivalries have been responsible for multiplicity of unions in various industries. Here, I would refer to a statement made by the hon. Justice K. C. Sen who was the chairman of the first industrial tribunal for bank employees. He has said that multiplicity of unions is due to resorting to compulsory adjudication. Though I do not say that the unions should be absolved of all the responsibilities for having so many rival unions, I say that the Government should also take a share, may be a small share, for that, because, only after compulsory adjudication was resorted to, there has been a multiplicity of unions. For example, when an issue is referred to the adjudicator or a tribunal, anybody can go and file a petition, and even a very nominal union can be heard by the tribunal. So, we have been urging in this very House that there should be a statutory provision for recognition of unions. Why should the Government be afraid of having a statutory provision for recognition of unions? We have suggested a very healthy procedure for according recognition for unions, and this was almost or very nearly accepted by the then Labour Minister at the Naini Tal Conference, namely, that they should resort to a secret ballot for determining which union should be considered as representative. I do not know why it has not been put into practice. Because there is no statutory provision for according recognition of unions, there is so much of strike and there is so much of disturbance to industrial peace.

12-53 P.M.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

I am connected with unions which have been recognised by the managements, with unions which are not recognised by the managements, and with unions from which recognition has been withdrawn simply because there were small actions here and there. I wish to ask the Government whether it is proper that any union should be penalised even if the Government happens to be an employer for a long time, simply because there has been an adventurist action taken by some unions.

There is another case which I want to bring to the notice of the House. Sometimes, employers do not grant recognition saying, "I shall not give recognition to your union unless and until you remove so and so who is now your office-bearer". The office-bearer is elected by democratic means and by the mass of workers. If employers try to dictate to the unions that unless so and so is removed from the Joint Secretaryship or Presidentship they will not accord recognition, it would be most unfair. Therefore, in order that such employers do not take advantage of the present provisions, I suggest that we should have a statutory provision for according recognition to unions.

Regarding the other provisions concerning the workmen, I would only draw the attention of the hon. Labour Minister to the recent ruling given by the All-India Industrial Tribunal for Colliery Disputes wherein they have clearly stated—this was a case where the issue of overmen as to whether they are supervisory or not was brought before the tribunal—that the salary alone should be taken into consideration. They have taken only the salary into consideration because in some coal mines there are overmen who draw Rs. 300 to Rs. 500 per mensem and there are overmen in some coal mines drawing a salary of Rs. 30 to Rs. 50 per mensem. The tribunal has therefore clearly ruled that taking into consideration the

salary drawn by the overmen they should be classified as workmen. By no stretch of imagination we can say that they are supervisory staff, in view of the low salary that they draw.

Shri Venkataraman (Tanjore): An overman will be a worker hereafter.

Shri T. B. Vittal Rao: Even if he gets six hundred.

Shri Venkataraman: After this amendment is passed, he will become a worker.

Shri T. B. Vittal Rao: Let us see. If the amendment of Shri Venkataraman is passed, then he will become a worker, of course.

I come to the next point. It is said that the Government have taken certain powers under certain sections for framing rules. I have got bitter experience of these powers. For instance, the Mines Act was passed in the year 1952. It is now 1956. Yet, we have not finalised the rules and regulations that have to be framed under that Act, with the result that we have not been able to prosecute any officer or any management for violation of the provisions of that Act. We have to resort to the rules and regulations that had been passed in 1926. Some High Courts have ruled and given their judgment that as the rules and regulations have not been framed under the Indian Mines Act, 1952, the rules of 1926 cannot be brought into operation, and on this ground they have all dismissed the cases brought before them by the employers. Therefore, I would strongly urge upon the Minister to frame the rules as soon as possible, say, within a month, and then they may be brought before the tripartite committee, which may meet as and when the Minister calls for. I would urge that the rules should be gazetted within one month after the assent of the President has been obtained, and then they can be circulated for public criticism, and thereafter, the whole thing should be finalised. In any case, it should not take more than a month or so.

Much has been said about section 33 of the original Act. I would only cite some concrete instances. Recently, there was a strike in one of our branches with which I am connected. There was, I agree, an adventurist action taken by the workers. The management have taken steps and they have suspended the workers concerned. They have, at the same time, sought the permission of the tribunal for discharging them. The management are paying only 50 per cent. of the salary for the sustenance of the workers who have been suspended. But the argument put forward by the employers, which is supported by the Minister, is that in some cases they have not been able to take action. That is not true. Where they found that their case was strong, the management immediately took action and they discharged or dismissed or suspended the workers, and then they went to the tribunal for permission! But whenever they find that their case is not very strong, they resort to other things such as delayed proceedings, etc. Therefore, during the second Plan period, when we say that we should increase production, there should be industrial peace in our country—we also do say that there should be industrial peace—a little protection to the worker who, in relation to the employer, is in a disadvantageous position, should be given and this matter deserves greater attention. After all, these labour courts, these industrial tribunals and the national tribunal are all a trial. We are going in for a trial. We are not sure whether they are going to succeed or not. The provisions are likely to be amended because we have accepted the socialist pattern of society. I would, therefore, urge that section 33, as it was passed originally, should remain. Today, the workers are not getting fair wages. They are far away from living wages. They are

[Shri T. B. Vittal Rao]

in many cases getting only a minimum wage. There are about 15 lakhs of workers in the transport industry in our country for whom there is no statutory provision at all. There are lakhs of workers—I do not know the exact number—who are engaged in the building industry and for them also there is no statutory provision. So, when we have got so much to do and when the workers are already in a disadvantageous position, let us not put them further into a disadvantageous position. Therefore, I strongly urge upon the Minister to drop the amendments to section 33.

1 P.M.

Shri Khandubhai Desai: Sir, I have been listening very carefully to the debate on this Bill and I must admit that I am enlightened by the very instructive debate in this House. But, in spite of that, I must also very candidly say that I do not agree that any amendment to the Bill that has been placed before the House is warranted by this debate.

Shri Venkataraman: What about your own?

Shri Khandubhai Desai: I said, "any amendment". As far as my amendments are concerned, I would like to clarify at the beginning that those amendments are the result of the advantage which I have got, namely, the discussion in the consultative advisory committee. Everybody was agreed that this Bill must go through as early as possible; and, I am grateful to the Business Advisory Committee for having agreed to take this straightaway for consideration. Most of the amendments which I have given notice of are the result of the discussion and I am grateful to the members of that committee, though it is true that all the points which they had made may not have been put in the amendments, because the Government does not agree with those points of view.

As far as the general trend of the debate is concerned, all the people, irrespective of the parties to which they belong, have welcomed this measure, of course, pointing out certain matters in which they want us to go further. As far as the definition of "workman" is concerned, employers believe that we are going very far and that it will undermine industrial production. On the other side, there is the view that we have not gone far enough. We have amended the definition in such a way that people who are mainly in the capacity of representatives of the management are sought to be excluded; and, even as a representative of labour, which I claim to be, I do not want people who are given powers by the management to take disciplinary action etc. to be included in the definition of "workmen". Otherwise, they will disrupt the whole thing. Let us see how the present definition works. If an advantage is taken, or if evasion is perpetrated by working the law by the employer, here is the House and I will again come here saying that this experiment, as somebody put it, has failed and the employers have not taken the Bill in the proper spirit. We are including among "workmen" supervisors who get upto Rs. 500. We believe that those who are getting today more than Rs. 500 are quite capable of protecting themselves. Also, those who get less than Rs. 500, but who are mainly in a managerial or administrative capacity are not the persons who require our protection, because they are part and parcel of the management and if any injustice is done to them, they can deal with the management under the ordinary law of the land. This is what I have got to say about the definition of "workmen".

My esteemed predecessor, Shri Giri, is very keen that we make the experiment of doing away with this whole law practically and entirely going in for what is called "collective bargaining". I am one of those trained up in that procedure. 99 per cent. of my whole life has been spent in collective agreements and agitations and I always feel that voluntary agreement or referring the question voluntarily

to arbitration is the best solution. I have no doubt in my mind about that; and, therefore, we have provided in this Bill that voluntary arbitration or agreement should be given legal sanction. We must realise at the present time that the whole notion of complete *laissez faire* is out of date. The society or the community cannot allow the workers or the management to follow the law of the jungles. The society has to step in, because the community at large is also interested in questions which may affect, to begin with, a section. Therefore, as a last resort, the Government takes the power to refer these disputes to adjudication. It is true that old habits die hard. Traditional way of thinking is on either side; but, it is based more or less on class conflict. I feel that communal and class hatred must be replaced by mutual understanding and a psychological approach to the problem, thinking at the same time that both the employers and the management are doing their work in the interest of the community itself. The interest of the community is supreme and they must adjust themselves to what a democratic Parliament decides. For the nth time, the charge of discrimination has been levelled against us; and, I must also reply (for the nth time) that it is entirely baseless. I say that there is no question of discrimination; we decide all issues on merit. Let the figures speak for themselves.

In the years 1944 and 1945 taken together, the Indian National Trade Union Congress, a body much maligned by interested parties, brought before the Government 2,243 cases for adjudication and the Government has referred 1,063 cases for adjudication, which works out to 47·4 per cent. The All-India Trade Union Congress, which is supposed to be of communist domination has brought before us....

Shri Nambiar: Supposed by whom?

Shri Khandubhai Desai: By yourself, Sir. The All-India Trade Union Congress brought 1,769 cases and 874 were referred for adjudication, which works out to 49·4 per cent. The Hind Mazdoor Sabha brought before us 1,077 cases for adjudication; we referred 592 cases for adjudication, which works out to 55 per cent. I think this will be the last charge and I do not think they will repeat it again.

One of the speakers,—I believe it was my friend Shri Giri,—said that the conciliation proceedings tend to become a farce when compulsory adjudication is there. I would reply only by quoting figures. Let the figures speak for themselves. In the State sphere of undertakings, in 1954, 5,999 cases were referred to the conciliation machinery out of which 3,775 cases were settled by the conciliation machinery. In 1955, the number of cases referred to was 9,059 and the number settled, 4,355. That shows the efficacy of the conciliation machinery. Out of the cases which may not have been settled, quite a large number must have come to the State Governments or the Central Government for adjudication. In the Central sphere, the figures are these:

Year	No. referred	No. settled
1950-51	1011	728
1951-52	1493	1373
1952-53	1088	793
1953-54	2480	1753
1954-55	2440	1640

This is the record of the conciliation machinery.

Shri V. V. Giri (Pathapatnam): I do not disagree with what has been stated. My position was that so long as there is compulsory adjudication, the parties will not place their full cards on the table. Therefore, adjudication is unnecessary. Conciliation will not have full sway.

Shri Khandubhai Desai: Anyhow, the figures which I have placed before the House will prove that in the central sphere, about 73 per cent. of the cases which went before the conciliation machinery were peacefully settled. In the State sphere, 50 per cent. of the cases have been settled in spite of the adjudication machinery.

ठाकुर मुगल किशोर सिंह (मुजफ्फरपुर-उत्तर पश्चिम) : क्या कोई ऐसी रिपोर्ट है जिससे यह मालूम हो कि जितने प्वाइंट्स डिस्प्युट्स के थे वे कंसिलिएशन मशीनरी के द्वारा तय हो गये हैं ।

Shri Khandubhai Desai: I will try to find out and place it before the House some time or other.

About the adjudication machinery, it is not for Shri V. V. Giri or for Shri Khandubhai Desai or for any Member of Parliament to say whether it should be scrapped. It is for the workers to feel whether it is useful or not. I am inclined to believe, though people may disagree, that so far as the workers are concerned, the conciliation machinery as well as the adjudication machinery have become popular, in the sense that since the Act was enacted in 1947, the number of adjudications were:

Year	Number
1947	114
1948	452
1949	926
1950	1275
1951	1574
1952	1712
1955	2804

These are the figures. May I tell the House that most of these adjudications were ordered either by the State Governments or by the Central Government on the asking of the employees themselves, that is, the workers' unions? They come to us and we decide.

Let us see whether the Industrial Disputes Act, 1947, has succeeded in its work during the last nine years. I should think that it has succeeded on all fronts. It has been admitted by everybody in the House that there is considerable improvement by the amendments which we have made, and that most of the amendments that we have moved are an improvement of the existing law by and large. What is the criterion of success or otherwise of an industrial relations machinery? The criterion is that there have been less strikes, there have been more amicable settlements and the workers and employers have come together forgetting their old notions of conflict. Here I would like to give some figures to the House. It is not my assertion one way or the other. The number of days which were taken away by strikes which was 16.5 million in 1947, has come down to 3.3 million, i.e. it is only one-fifth. Let us see if the workers and employers have been brought together. I am bold to say that this machinery has also brought the management and the workers nearer each other. This can be proved by the fact that during the last year, there have been four main agreements on outstanding issues. The Bombay Millowners' Association and Workers' Organisations have come to an agreement not only regarding bonus, but they have come to an agreement that all the future disputes will be referred to arbitration, exactly what my esteemed friend Shri V. V. Giri desires—and I share that desire. The Ahmedabad Textile Labour Association has also entered into a similar agreement.

Shri Nambiar: They are now in disagreement.

Shri Khandubhai Desai: If they are in disagreement, they will go to arbitration. In Jamshedpur, there have been major agreements which are more or less of a semi-permanent character. I would like to refer the House to a first class epoch-making agreement between a million plantation workers and the planters regarding bonus. Is it an agreement made for the time being? It is a sort of a semi-permanent agreement. All these three or four agreements cover about 1½ million workers in the country. We have made great strides during the last few years. I would assure the House that I will be the happiest man, and my Government will be very

happy if this law as we are now trying to amend will become a dead letter. We do not want to come in. Why should the Government want to interfere at all? That day, I think, will come sooner as we have seen during the last one year or so.

Some of the detailed points have been answered by my colleague Shri Abid Ali. I do not want to go into them over again. But, there is one point to which I would like to make a reference, that is about sections 33 and 33A. I am a practical trade union man. I have dealt with working class problems throughout my life. I know that a certain theoretical privilege that the workers have is apparently sought to be taken away. But, I am convinced that the rights and privileges which are given under this amendment in the set-up of the Bill as it is going to emerge, are much more precious and realistic than sections 33 and 33A. What is the position? If during the pendency of a dispute there is going to be a change adverse to the workers, the main persons who are protected are the five office-bearers. That is, before any decision is taken to deal with them adversely the employer has to go to a court. Any other persons he wants to deal with he can discharge by giving them a month's wages in advance and then go to the tribunal for approval. This is a definite improvement since the worker has not to go and apply under section 33A. It is the employer who has to go.

Shri Nambiar: Regarding section 33A, the workers wanted the old thing to continue. Why do you thrust this on them?

Shri Khandubhai Desai: I also know something about the working of the relations between the employers and employees.

Anyway, I would like my labour friends to consider the whole Bill in the new set-up of the law which is going to emerge. There is an important innovation made in this Bill and that is with regard to the notice of a change. No adverse conditions can be imposed on the workers surreptitiously or suddenly by an employer. He has to give a notice of the change 21 days in advance and during that time opportunity is given to the parties to come to a settlement. The notice is also to be sent to the Government. So, Government will also be in a position either to order a conciliation or, if I may say so, adjudication.

Then I would like the House also to consider the effective changes that are made in the standing orders. Standing orders used to be permanent entirely at the employer's discretion. They are now being changed in the sense that the workers have a right to go and say that they want these orders to be changed in a particular manner. And then there is the final certifying authority which has been given the power or discretion to adjudicate whether a standing order is proper or not. But we have not stopped at that. There is a sort of appeal to the labour court. The labour court now, as we contemplate it, will be a permanent feature of industrial relations. Its jurisdiction may, according to the experience which we will gain, be further extended. It will be a place of help to the labour where they can immediately go without the interference of lawyers or such other things, because it is a thing which is just near the door. So, I would like the House to judge this Bill from this point of view and nothing else.

Then there are two points only which I would like to place before the House for clarification. We are abolishing the appellate courts. My hon. friend Shri Sreekantan Nair wants some sort of appeal. In that way he appears to agree with my friend Shri Somani. Anyway, I am not going to dilate on the issue whether an appeal is good or bad, but psychologically the Indian working class have taken very adversely to the appellate court. It is not that justice is not being done, but the workers should believe that justice is being done to them as expeditiously as possible, and therefore the appellate court is going. When the appellate

[Shri Khandubhai Desai]

court is going, we have got to see in the interests of everybody concerned that we replace it by courts which have dignity, which have a stature, which have got quality. Some amendments have come which lay down that the qualification of the judges should be still further watered down I am sorry I cannot agree with that point of view.

There has been some confusion in the minds of Dr. Lanka Sundaram and my friend Shri Gopalan. They ask: "Why do you require this three-tier system"? They say there should be only one court.

Shri B. S. Murthy: Who confused whom?

Shri Khandubhai Desai: We forget that we are under a sort of federal constitution. There are certain subjects which the States deal with, there are certain subjects which the Centre deals with. So, we have to have, at least, to begin with, two courts, one appointed by the Central Government for adjudication in matters which are of Central concern, and the other by the States to deal with their jurisdiction. They are entirely separate courts, there is no appeal from one to the other. Then, if you have gone through the Bill, you would have also found that for the first time the Centre is taking certain powers to refer questions of national importance or which affect more than one State or which have got importance in general economic matters to a national tribunal. That is, where we could not previously refer a dispute to adjudication, now we can, and even when a particular dispute is pending before a State tribunal and it is in the middle of it, it can be withdrawn and referred to the national tribunal and the proceedings will start. All the proceedings that may have taken place before the State tribunal will be null and void. We have persuaded the States to agree to this.

And then, the labour court is the third category. What is the labour court? It is there to deal with ordinary routine matters like the application or otherwise of the standing orders, and the worker has the right to go to it straight. We do not want also to burden the State tribunals or the national tribunal with the task of dealing with all sorts of minor matters. So, the powers have been taken that where a factory or an undertaking employ less than 100 people, the State Government or the national Government will be entitled to refer the case to the permanently constituted labour courts.

These are some of the main features of this Bill. As somebody has said, this is a matter of adjusting human relations; generally known as industrial relations, but there canont be any last word in the adjustment of human relations. As we gain experience we adjust from time to time, and as I have tried to point out in the beginning, the Industrial Disputes Act as it was enacted in 1947 has by and large satisfied our aspirations, and as I have said, it has been amply demonstrated on the floor of this House that by and large the amending Bill which we have placed before the House as sought to be amended by the amendments which I have moved is an improvement. So, whatever the advantage or benefits or smoothness which we experienced during the last nine years will be further strengthened.

There was one point which was made regarding the question of modification. I may say that deliberately and with conviction I have agreed to bring in that modification clause.

Shri B. S. Murthy: Conversion or conviction?

Shri Khandubhai Desai: Conversion and also by conviction. We have got to be converted. We cannot go on traditional, old, ancient notions.

Anyway, why is this modification necessary? Let us understand it from the national point of view. We have got no Bench of Judges now. We have got a single court, a court manned by a single Judge. There is

not going to be any appeal. So, we have taken the power of modification. I hope they will be in exceptional cases or there will be no modification. But let us see what safeguards we have provided for. We say that modification can be made only if, on public grounds affecting the national economy, Government can modify it.

A point was raised by my labour friends that modification in the national interest, as now ordinarily understood, will always mean that it will be in favour of the management. We have therefore provided in the amendment which has already been given notice of by me, that modification can be done only on public grounds affecting the overall economic interests of the country or social justice. That provision was not there in the Bill as introduced, but we have now sought to include it.

We have further provided that it would not be effective until after it has been placed on the Table of Parliament for a fortnight. If within a fortnight, the House does not say anything, that will become effective. But within that fortnight, the sovereign Parliament has got the right to move a resolution accepting it, rejecting it, or modifying it. So, ultimately, who is going to modify the award in the interests of social justice or general economy? It is this sovereign Parliament of the Republic of India, which is going to do it. So, I do not think anybody can take objection to this.

Now, I come to my last point. We have taken certain powers with regard to the modifications or alterations in the various schedules, because. if in the course of the working of the Act, it is found that certain matters included in the schedules do not cover a particular item, then naturally we must modify them. That is very important from at least one point of view. When the amendments will be moved, I shall have occasion to say something about it. But, as you must have observed, most of the amendments are more or less of a similar nature; but naturally there are some facts which change here and there, and hon. Members would like to modify the provisions either this way or that way. As I said in my opening remarks, in a matter of this sort, however much we may desire it, unanimity is not possible, because we are living in a changing world, and we are changing our own psychology and mental attitude towards the real problem.

My esteemed friend Shri V. V. Giri, his predecessor Shri Jagjivan Ram, and after them, I, had the responsibility to consult the people. We tried our best to bring round the various people to one point of view, so that we could come before this House with an agreed Bill. But unfortunately, that was not to be. In fact, it is because of our earnestness and our desire to have as much unanimity as possible, that this Bill has been delayed. Anyway, as a Government, right or wrong, whether people like it or not, we have got to make a decision. So, we made the decision last September, and whatever it is, this we think in our wisdom, is the best solution for the problem that is troubling the minds of the management as well as the workers.

Sir, this Bill has been placed before this House in a spirit of humility, and I would like this House to give this Bill as it will be enacted in a few hours, a fair trial. I would assure the House that if in the course of the working of this law, any difficulties arise, if the House would agree to give me time, I would have no hesitation in bringing forward any amendment which would bring the parties together.

But I should think, judging from the trends that are now persisting in the country, that people will not bother about this industrial disputes law; and my hon. friend Shri V. V. Giri's desire to have mutual settlements may be the order of the day, and surely, that day will be the best day.

[Shri Khandubhai Desai]

I hope the House will now proceed to consider the amendments moved by the various parties. Particularly, I would appeal to it to accept the amendments which I have moved, in the spirit in which they have been moved, because they seek to further improve the Bill that has been placed before it.

Shri Nambiar: One very important point has been missed by the Minister, namely the question of recognition which was very much debated upon on both sides of the House. The Minister has not made any reference at all to it. If he could explain the position...

Shri Khandubhai Desai: Which point?

Shri Nambiar: The recognition issue, which is the basic corner-stone of all these agreements and other things.

Shri Khandubhai Desai: Recognition is not a part of this Bill. As far as this particular law is concerned, for the consideration of any industrial dispute by a tribunal, all unions are recognised. They are entitled to come before the tribunal and plead their case.

As far as recognition is concerned, my hon. friend Shri Nambiar has in view a resolution which has come before this House. I have placed my own point of view in regard to that, namely that I do not believe in compulsory recognition. Now, what is compulsory recognition, in effect? Compulsory recognition means that somebody is asked to recoginse somebody else, namely the union. The employer will say, 'Yes, I recognise it formally'. He will call the union representatives for a cup of tea, have a nice talk with them and then say 'I have recognised you.'

Shri K. K. Basu (Diamond Harbour): That is not what recognition means.

Shri Khandubhai Desai: But in reality, let us see what has happened. In regard to that resolution, I have made a rapid survey of the 4,000 odd unions which are there on our register today. In 1947, their number was just about 2,000. So, the charge that there is a smothered or throttled trade union movement is wrong. I am still making a further enquiry, but out of these 4,000 about 90 per cent. of sound Trade Union Organisations are recognised today. And the recognition is irrespective of the central organisation to which they belong. When I place the material before the House, I shall be able to show how in practice the various unions have been recognised. In regard to the unions that have not been recognised, I have issued a questionnaire asking for particulars as to whether there are any unions which have not been recognised, whether they are registered or not, whether there is something wrong with the union and so on. If there is something wrong with the Union in its method and approach to the particular employers, I shall use my good offices to try to bring them round to recognise it voluntarily. If the union could be recognised in the sense, which I am placing before you, then a law will not be necessary at all. What I am suggesting will be the best type of recognition, and not compulsory recognition which may be thrust upon somebody.

Mr. Chairman: The question is:

> "That the Bill further to amend the Industrial Disputes Act, 1947 and the Industrial Employment (Standing Orders) Act, 1946 and to repeal the Industrial Disputes (Appellate Tribunal) Act, 1950, be taken into consideration."

The motion was adopted.

Mr. Chairman: We shall now proceed with the Bill clause by clause. First, we shall take up clause 2.

Shri Nambiar: Government have given notice of a large number of amendments to almost all the clauses. They have to be formally moved and

the discussion should take place on them. Then only, we can be in a position to move our amendments.

Mr. Chairman: There are no amendments to clause 2. Ordinarily, Government also move their amendments, and they take their chance. As soon as their number comes, they will move those amendments. So, there is no difficulty in regard to this matter. The number of these amendments is large. But it is immaterial.

In regard to other clauses, I will request hon. Members who have tabled amendments and wish to move them kindly to pass on the numbers of those amendments within ten minutes to Secretary at the Table, so that we may know how many amendments are to be moved.

Shrimati Renu Chakravartty (Basirhat): Should we indicate the amendments all together or clause by clause?

Mr. Chairman: If we proceed clause by clause, it will take much more time. As we have taken up clause 2, we will finish it up and then dispose of clause 3. By the time clause 3 is disposed of, I expect all hon. Members who wish to move their amendments to the other clauses will send their chits.

Shri Nambiar: There is a large number of amendments. That is the difficulty.

Mr. Chairman: There is enough time before we finish clause 3.

Shrimati Renu Chakravartty: There will be 50 amendments altogether. What we generally do is that we start discussion on clauses, and then we move amendments.

Mr. Chairman: All those hon. Members who have tabled amendments and want to move them may indicate on a paper the numbers of the amendments they want to move and hand them over at the Table, so that before we dispose of clause 3, we will know what are the amendments to be moved from clause 4 onwards.

Shri A. M. Thomas (Ernakulam): May I suggest that the various clauses may be divided into various groups? Then they would be better dealt with.

Mr. Chairman: It is not necessary. This is a small Bill. The number of amendments also is not very large. Except in regard to one or two clauses, the number of amendments is fairly small. So it is not necessary to divide the clauses into groups and also divide the time.

There is no amendment to clause 2.

The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—*(Amendment of section 2)*

Shri Khandubhai Desai: I beg to move:

(i) Page 1—

after line 24, *insert*:

"(aa) in clause (bb), for the words 'Imperial Bank of India' the words 'and State Bank of India and the Reserve Bank of India' shall be substituted."

(ii) Page 2, line 29—

for "person" *substitute* "such person".

Shri Tushar Chatterjee (Serampore): I beg to move:

Page 2, line 27—

after "express or implied" *insert*:

"and includes a person employed by a contractor to do any work for him in the execution of a contract with an employer"

Shri Venkataraman: I beg to move:

(i) Pages 2 and 3—

for lines 39 and 40 and line 1 to 6 respectively, *substitute*:

"(iii) who is employed mainly in a managerial or administrative capacity drawing a basic pay (excluding allowances) of not less than five hundred rupees per mensem."

(ii) Page 3, lines 2 and 3 —

omit "draws wages exceeding five hundred rupees per mensem or"

(iii) Page 3, line 3—

for "or" *substitute* "and"

Shri Raja Ram Shastri (Kanpur Distt.—Central): I beg to move:

(1) Page 2—

(i) lines 23 to 26—

for "(s) 'workman' means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward" *substitute*:

"(s) 'workman' means any person employed in any industry to do any work and paid from the funds of the employer, and also includes an apprentice, a substitute (badli) or any person employed through a contractor to do any work for the principal employer in the execution of a contract with him"

(ii) line 33—

after "dispute" *insert* "and includes a civilian employee of the defence establishments".

(2) Page 4, lines 3 to 6—

omit "or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature"

Shri S. C. Deb (Cachar-Lushai Hills): I beg to move:

Page 2, line 25—

after "technical" *insert* "professional".

Shri N. Sreekantan Nair (Quilon-cum-Mavelikkara): I beg to move:

(i) Page 2, line 27—

after "express or implied" *insert*:

"and includes any person employed by contractors".

(ii) Page 2, line 40—

after "capacity" insert:

"drawing a basic pay of more than five hundred rupees per mensem".

My amendment No. 115 is the same as No. 48 moved by Shri Venkataraman.

Thakur Jugal Kishore Sinha: I beg to move:

(i) Page 2, lines 24 to 26—

for "to do any skilled or unskilled manual, supervisory, technical or clerical work" *substitute*:

"directly or indirectly through contractor".

(ii) Page 2, lines 39 and 40—

omit "or administrative"

Mr. Chairman: All these amendments are before the House.

Shri Tulsidas (Mehsana West): May I be permitted to move amendment No. 73 standing in the name of Shri G. D. Somani?

Mr. Chairman: I shall see.

Shri N. Sreekantan Nair: On a point of information. Is it open to one hon. Member to move an amendment standing in the name of another hon. Member?

Mr. Chairman: I have only said that I will consider his request.

Shri S. L. Saksena (Gorakhpur Distt.—North): I have given notice or four amendments today.

Mr. Chairman: I am now taking up clause 3. As regards the hon. Member's amendments, I am sorry, notice has not been waived.

So these amendments are now before the House together with clause 3. As regards amendment No. 73, I will decide later after looking into the rules whether a Member can be allowed to move the amendment standing in the name of another hon. Member.

Shri Venkataraman: I have moved amendments Nos. 46, 47 and 48 in the hope that at least one of them would be accepted by Government.

An Hon. Member: Why not all?

Shri Venkataraman: They are alternative amendments. It would not serve the purpose if all of them are accepted.

The definition of the word 'workman' in the amending Bill before us is not, for one thing, consistent with the legislation which we have adopted in this behalf. Secondly, as I have already explained during the course of my general observations, it is likely to create doubts and, consequently, disputes. Thirdly, the very purpose of having the amended clause so that the question as to who is a workman and who is not may be finally set at rest, will not be achieved by the clause as it stands.

Let me proceed to elaborate these considerations. My esteemed friend, Shri G. D. Somani, referred to the definition of the word 'workman' in the Labour Relations Act of the United States and in the Industrial Courts Act of the United Kingdom. I interjected to ask him, 'What about Australia'? The definition of the word 'employee', corresponding to 'workman', in the Australian Act, which is, I consider, a better model than the others, because it is only in Australia that there has been compulsory arbitration for a long period, runs thus:

> "'An employee' means any employee in any industry, and includes any person whose usual occupation is that of an employee in any industry."

This is, more or less, synonymous with the amendment which you yourself, Sir, moved for deletion of those restrictive words, namely, 'skilled, unskilled, manual, supervisory, technical or clerical'. If we have a clause saying that a workman means any person employed in any industry, and then restrict it by excluding people working in managerial capacity, then no question as to whether a person is a workman or not will arise before industrial courts. After all, what is the object of expanding this definition? It is to put the question beyond the pale of courts. It is also, more or less, agreed that persons performing mainly managerial or administrative functions should be excluded from the operation of the law. In that case, it is unnecessary to have these words, namely, 'doing either skilled or unskilled manual, supervisory, technical or clerical work'. The object of the legislation would be amply achieved by omitting those words.

But even if we do not do that, the position is a little confusing. We have some decisions in courts as to what is 'mainly managerial'. I may also refer to a case in the Madras High Court, recently decided, where they held that the Secretary of a bank, notwithstanding his designation as Secretary, who was asked to perform the duties only of an assistant, was considered to be an employee under the Shops and Establishments Act. It is not the definition or nomenclature used but it is really the functions performed, that determine whether a person is in the managerial capacity or not.

When you come to the question of supervisory capacity, it leads to a certain amount of ill-balance between the various kinds of supervisors. Under item (iv), a supervisor who draws more than Rs. 500 per mensem is excluded. But if that supervisors

[Shri Venkataraman]

performs functions which are of a managerial character, then, notwithstanding the fact that he is drawing only Rs. 50 or Rs. 60 or Rs. 100, he would be excluded from the operation of the Act.

I want you to kindly read clause (iv). The supervisory person drawing Rs. 400 or Rs. 500 in a head office, a person performing supervisory functions in a head office would get the benefit of the Act, though, as the Labour Minister said, he is not the sort of person to whom this protection is necessary, while a small manager in an out-door station drawing Rs. 100 or Rs. 120, merely because he is performing managerial functions, would be excluded from the operation of this protection. Equity demands that a person drawing a particular amount of salary and also performing these managerial functions should be excluded and not those who are contemplated by sub-clause (iv).

If you look at the Labour Relations Bill as reported by the Select Committee, you will see that the definition accepted at that time both by the representatives of the employers as well as the representatives of the employees is to this effect: that it does not include a person who is employed in an establishment primarily in a managerial or other administrative capacity drawing a basic salary, excluding allowances, of not less than Rs. 350 per mensem. Two qualifications were necessary: (i) he should get a salary of more than Rs. 350 basic, which is equal to Rs. 500 now given in the Bill, and (ii) he must also be performing managerial functions, even though he may get more than Rs. 350, he would not be excluded from the operation of the Act. But, here, as the clause now stands, merely because a person performs managerial functions, even though he is drawing less than Rs. 500, he would be excluded. I thought.....

Shri Abid Ali: Other categories have been included.

Shri Venkataraman: True; but it takes away the protection given in the previous clause. You have said that technical personnel is included. But, if the technical personnel is in a supervisory capacity, then, he gets a lower status. If that supervisory personnel gets more than Rs. 500, he gets excluded. There is a whittling down of that definition. The supervisor, if he performs managerial functions, notwithstanding the fact that he does not get Rs. 500, is excluded so that what you have given in the definition clause is slowly taken away later on. I want the hon. Minister to examine this.

My point is this. If there is an honest difference of opinion, let us try to get over that. But, if the intention of Government is that it should be so, I have no quarrel. I feel that in this case the purpose is not carried out. As I pointed out, in the Labour Relations Bill, there are two conditions precedent before a person could be excluded from the operation of the Act. Condition (i) is that he must draw a salary of more than Rs. 350, basic. Condition (ii) is that he should perform managerial functions. If either of these two conditions is not satisfied, then, he would still get the benefit of the Act. But, here it is different. If he gets more than Rs. 500, he would be excluded whether he performs managerial functions or not, if he performs managerial functions, even though he does not get Rs. 500 or more, he would again be excluded, so that the law is slightly different from what we agreed upon in the previous Bill.

I would just refer to you the Working Journalists Act. In that, it excludes a person like this: it does not include any such person who being employed in a supervisory capacity performs either by the nature of the duties attached to his office or by reason of the powers vested in him exercises functions mainly of a managerial character.

In this case there is no ceiling on income. Whether he gets Rs. 500 or Rs. 1,000, if he does not perform

managerial duties, then he is entitled to the benefit of the Act. This is a legislation which we enacted recently and there we have accepted that the main disqualification should arise only by virtue of the performance of managerial functions rather than mere getting of money. My submission to the House, therefore, is that we should have the definition as given in the Labour Relations Bill. In my amendment No. 46, I say that these two sub-clauses relating to managerial functions and supervisory functions should be replaced by a clause as it stands in the Labour Relations Bill:

> "who is employed mainly in a managerial or administrative capacity drawing a basic pay (excluding allowances) of not less than five hundred rupees per mensem."

If it is not acceptable, then, we should bring it at least on a par with the Working Journalists Act. My amendment No. 47 refers to this. Even if that is not possible, the least that can be done is to change word 'or' into 'and'.

Shri Tulsidas: Conflicting!

Shri Venkataraman: In that case we would be bringing the law substantially to the same position as it was in the Labour Relations Bill, namely, both qualifications are necessary.

Shri Nambiar: Mr. Chairman, I have got full sympathies with Shri Venkataraman and I support the amendment mainly because.....

Mr. Chairman: Which amendment?

Shri Nambiar: Amendment No. 46 about which he spoke just now.

With regard to this amendment I have to submit that the total is fixed at Rs. 500. It must be the basic wage. Otherwise, many workmen are going to be excluded. Though the Minister wants to show the figure of Rs. 500 there as an attractive figure, with the allowance etc. added to the basic pay, it comes to Rs. 350 or sometimes even less. I know in big railway workshops there are categories of foremen who are really workmen, who, at the same time, have a supervisory capacity as well. But, they invariably get a pay, which added to allowances etc., goes beyond Rs. 500. But, under the definition they will not be treated as workmen. Therefore, the extension given by the hon. Minister is only in name and not in content. I request the Labour Minister to accept the amendment of Shri Venkataraman, at least No. 46. I am not for the other alternatives.

Shri Tushar Chatterjea: In moving my amendment, No. 45, I have to mention that in the definition of 'workman' there is no mention about contract labour and even the phrase, "whether the terms of employment be express or implied" does not clearly signify whether contract labour is included or not. We know in all cases where contract labour is there, the workmen suffer from many disadvantages. They are deprived of legal benefits. I think it will not be difficult for the hon. Minister to accept my amendment and thereby enlarge the definition of "workman" so as to include contract labour.

2 P.M.

Shri S. C. Deb: My amendment is No. 112. Several observations have been made about the definition of the term "worker". Let me in this connection be permitted to quote the definition of the word "employee" in the U.S.A. Act, the Taft-Hartley Act.

Under that Act "professional employees" are given a lengthy definition which may be submitted as including any employee whose work is predominantly intellectual and varied, involves the consistent exercise of discretion and judgment, is of such nature that its results cannot easily be standardised and requires advanced knowledge customarily acquired by prolonged specialised training. Clearly, this definition applies in every respect to medical officers. This is a very good definition and I would suggest that the word "professional" should also be used in our amending Bill. In the course of his speech on

[Shri S. C. Deb]

Saturday, the hon. Deputy Labour Minister, Shri Abid Ali said that the words "technical work" would cover the category of persons like medical men, artists, teachers, etc. But a statement of his in this House will not be taken notice of by a court of law. I have every respect for him. He may honestly believe so, but I would like to tell him that professionals would not be covered by the words "technical work". At any rate medical men, nurses, compounders, teachers, etc., are not technical personnel and in this respect I have to respectfully differ from him.

In the United States law which I just now quoted, this matter is clearly defined. The word "professional" used there is very comprehensive and I would suggest the use of that word in our Bill in the definition of the "worker".

As regards the United Kingdom the definition of the word "worker" or "workman" is taken in a very liberal manner. Even a professional man like a solicitor is taken as a worker when he works for his union. U.K. has not got many Acts on this matter; there are certain rules and the rules are taken as law for all practical purposes. But there even a professional man like a solicitor is taken as a worker. So, what I mean to suggest is this: we should in our measure use the word "professional" to include certain types or category of workmen who could not be generally covered by the word "technical" as explained by the Deputy Minister the other day.

In response to Shri Venkataraman's request, the hon. Deputy Minister made certain clarifications. Shri Venkataraman pointed out that if this definition is found unsatisfactory, Government will have to come again to the House for a modification. Instead of making that change here and now, I do not see any reason why it should be postponed. I do not know why they want to debar certain categories of workers now and come to the House for a modification of the definition after getting into some difficulty. I do not appreciate things being done in that way. I for one do not want that a worker should be debarred from any benefit under this law, nor do I want him to be subjected to any injustice.

Employers as a class are very intelligent. They know of every law in every part of the country. If, therefore, we leave some lacuna in this measure, it will lead to the victimisation of the workers. I know a President of a Union which is affiliated to the I.N.T.U.C. He complains to me that on account of the lacuna regarding the interpretation of the word "technical" in this measure certain types of workers are being victimised. Shri Tripathi, who is the General Secretary of the I.N.T.U.C. also referred to this matter in the course of his speech the other day. I would therefore request the hon. Minister to consider this matter seriously and accept the small amendment tabled by me.

Shri Tulsidas *rose.*—

Mr. Chairman: As far as amendment No. 73 is concerned, I am afraid that we have not provided by rules for a contingency in which the hon. Member may ask for permission to move an amendment given notice of by another hon. Member. I am afraid I cannot allow that.

Shri Tulsidas: I will not move that amendment in that case? May I have my say on that?

Mr. Chairman: May I bring to the notice of the House a ruling on this point from the *Decisions of the Chair*:

> "On the 4th December 1952 during the clause by clause consideration of the Indian Finance Corporation (Amendment) Bill when Pandit Thakur Das Bhargava asked the permission of the Chair to move an amendment, standing in the name of Shri Arun Chandra Guha who was absent at that time the Deputy-Speaker observed as follows:
>
> It is only in the case of Ministers that one Minister can officiate

for another. The rules allow it. So far as private members are concerned, I am afraid one hon. Member cannot authorise another to move an amendment on his behalf. He must be here. Mr. Guha came to me and told me that he has got a sore throat and that he is not in a position to move his amendment. If he had at least been present I would have allowed another hon. Member to move his amendment on his behalf. In this case I do not want to create any precedent."

I am afraid I cannot allow the hon. Member to move the amendment. If he wants to speak, he can. I shall give him a chance later. Shri Shastri.

श्री राजा राम शास्त्री: सभापति महोदय, मैं अपने अमेंडमेंट (संशोधन) नम्बर (संख्या) ६० और ६१ को हाउस के सामन पेश करता हूं ।

जब से यह कानून बना है तब से मैं देखता हूं कि "वर्कमैन" (श्रमिक) की डैफीनीशन (परिभाषा) के सम्बन्ध में कभी कोई शब्द बदला जाता है तो कभी कोई कोई शब्द जोड़ा जाता है । किसी भी इंडस्ट्री (उद्योग) में कोई भी एम्पलायर (नियोक्ता) अगर तनख्वाह देकर किसी व्यक्ति को नौकर रखता है तो उसको वर्कमैन की डैफीनीशन (परिभाषा) में आ जाना चाहिए ताकि रोजमर्रा की यह झगड़ेबाजी कि कभी उसमें क्लर्क शामिल होता है, कभी टेकनीशिस शामिल किये जाते हैं तो कभी सुपरवाइजर्स को उसकी डैफीनीशन (परिभाषा) के अन्दर शामिल किया जाता है, यह सब झगड़ा मिट जाना चाहिए । साथ ही साथ मैं यह चाहता हूं कि जो बदली मजदूर हैं उनको भी वर्कमैन की डैफीनीशन में आना चाहिए । हर एक कारखाने के अन्दर बदली मजदूरों की बहुत बड़ी तादाद होती है । यह लोग लगातार सालों तक काम किया करते हैं, लेकिन मालिकान की कोशिश यह रहा करती है कि किसी तरह से उनको कानून से बाहर ही रक्खें । इस तरह से यह मजदूरों को परेशान किया करते हैं और नहीं चाहते हैं कि उन को कायदे और कानून की कोई सहूलियत मिल सके । इसलिये मैं चाहता हूं कि हजारों मजदूर जो कि बदली के नाम से मशहूर हैं, उन को भी इस कानून में शामिल किया जाय ।

यहां पर कंट्रैक्ट लेबर (ठेके के श्रमिक) की बात कही गई । अभी उस दिन जब मैं उपमंत्री जी का भाषण सुन रहा था तो उस से मैं यही समझा कि इस विधेयक में जो वर्कमेन (श्रमिक) की डैफीनीशन (परिभाषा) दी गई है उस में कंट्रैक्ट लेबर भी आ जाती है ऐसा उन का विचार है । लेकिन जहां तक मैं समझता हूं इस डैफीनीशन में कंट्रैक्ट लेबर नहीं आती । यदि मंत्री जी यह समझते हैं कि कंट्रैक्ट लेबर इस में आ जाती है तब मेरे खयाल से जो हम लोगों का संशोधन है कि कंट्रैक्ट लेबर की बात को जोड़ दिया जाय, उस से विधेयक में ज्यादा सफाई हो जायेगी क्योंकि मैं समझता हूं कि जब कभी किसी अदालत में कोई मुकद्दमा जाता है तो वकील लोग यह नहीं देखते कि जब इस सदन में बहस हुई तो किस मैम्बर ने किस शब्द का क्या इंटरप्रिटेशन लगाया । वह तो यही कहते हैं कि कानून में यह शब्द लिखे हुए हैं, और उसी को लेकर बहस करते हैं । अगर एक्स्प्रैस (स्पष्ट) या इम्प्लाइड (निहित) माने में कोई वकील कंट्रैक्ट लेबर को लाना चाहेगा तो उस को मुश्किल पड़ेगी । इसीलिये मेरा एक संशोधन यह भी है कि इस में कंट्रैक्ट लेबर को आना चाहिये ।

साथ ही साथ मैं यह नहीं समझ पाया कि डिफैन्स इस्टैब्लिशमेंट (रक्षा कर्मचारिवर्ग) में जो सिविलियंस (असैनिक) काम करते हैं उन को गवर्नमेंट कानून के बाहर रखने की कोशिश क्यों करती है । मेरा एक संशोधन यह

[श्री राजा राम शास्त्री]

भी है कि डिफेन्स इस्टैब्लिशमेंट (कर्मचारिवर्ग) के अन्दर जो सिविलियंस (असैनिक) हैं उन कर्मचारियों को भी इस वर्कमैन की डैफीनीशन में आना चाहिये । अगर वे लोग इस डैफीनीशन में आ जाते हैं तो वास्तव में हजारों कर्मचारियों को इस कानून का लाभ पहुंचेगा । डैफीनीशन में सुपरवाइजरी और टेकनिकल वर्क के सम्बन्ध में जो कुछ वेंकटरामन् जी ने कहा, मैं समझता हूं कि गवर्नमेंट को उस पर ध्यान देना चाहिये क्योंकि जो भाषा रक्खी गई है उस से वह उद्देश्य पूर्ण नहीं हो सकता है जो कि हम चाहते हैं । इसलिये भी मैं समझता हूं कि इस का साफ करना बहुत जरूरी है । वर्ना यह होगा कि जो आदमी ५०० रुपये से ज्यादा पाता होगा उस को भी मैनेजीरियल स्टाफ में नहीं गिना जायेगा, और दूसरी तरफ अगर एक आदमी ५० रु० भी पा रहा होगा तो उस को मैनेजोरियल स्टाफ में गिन लिया जायेगा और इस तरह से मालिक लोग उन को नुक्सान पहुंचाने की कोशिश करेंगे । इसलिये मैं समझता हूं कि अगर इन सब बातों को देख कर यह विधेयक ठीक कर लिया जायेगा तो उस से ज्यादा मजदूर इस के दायरे में आ सकेंगे और काम सहूलियत से हो सकेगा । इतना कहते हुए मैं अपने संशोधन उपस्थित करता हूं ।

ठाकुरयुगल किशोर सिंह : मैं अपने ६४ और ६५ नं० के संशोधन पेश करता हूं । उन में वही चीज है जो कि वेंकटरामन् जी ने कहा है । जब सरकार की ओर से मंजूर कर लिया गया है कि कंट्रैक्ट लेबर इस में आ सकती है, और उन दिन आबिद अली साहब ने भी कहा था कि वाचमेन (चौकीदार) को भी दे इस में शामिल करने का इरादा रखते हैं तो फिर इस विधेयक को झगड़े का घर क्यों बनाया जाता है ? कोर्ट के सामने इस के लिये अलग से फरियाद क्यों हो और इस के साफ करने में क्यों हिचकिचाहट होती है, यह मेरी समझ में नहीं आता । अभी हमारे खंडूभाई साहब ने भी कहा कि जिस तरह दुनिया बदलती है उसी तरह वह भी बदलते हैं । एक दिन नेता थे तब वह कुछ और सोचते थे और अब आज मंत्री हो गये हैं तो उन का आउटलुक (दृष्टिकोण) बदल गया है । आज मंत्री हो जाने की वजह से वह उन दिक्कतों को भूल गये हैं जो कि वह नेता होने के समय महसूस किया करते थे । मैं समझता हूं कि उन में इतना चेंज नहीं होना चाहिये । जो दिक्कतें आज वर्कर्स को उठानी पड़ रही हैं उन को जरूर उन को दूर करना चाहिये ।

दूसरे इस विधेयक में यह रक्खा गया है : "स्किल्ड (प्रवीण), अनस्किल्ड (अप्रवीण) या मैनुअल (हस्त श्रम)" । मालूम होता है कि आप ने डैफीनीशन (परिभाषा) में सिर्फ नाम के लिये कुछ नाम रख दिय हैं । मैं कहना चाहता हूं कि अगर आप की मंशा सचमुच काम करने वाले मजदूरों को सुविधा देने की है, तो वह आप की मंशा बिना विधेयक को सुधारे पूरी नहीं होगी क्योंकि इस में बहुत से लोग किसी न किसी रूप से बाहर निकल जायेंगे । जैसे नर्सेज के बारे में, डाक्टर्स के बारे में और स्कूल टीचर्स के बारे में मैं देखता हूं कि उनको ट्राइब्यूनल (न्यायाधिकरण) के एवार्ड (पंचाट) से निकाल दिया गया है । इस के अन्दर कौन आ सकता है, इस का कोई ठिकाना ही नहीं है । जब आप यह मानते हैं कि इस विधेयक में आप काम करने वाले सभी लोगों को रखें तो मेरा खयाल है कि जो मेरे एमेंडमेंट (संशोधन) का उद्देश्य है कि इस में डाइरेक्टली (प्रत्यक्षतः) और इंडाइरेक्टली (अप्रत्यक्षतः) या कंट्रैक्टर (ठेकेदार) की जो लेबर है उस को शामिल कर लिया जाय ।

दूसरे जो आपने इस में मैनजीरियल (प्रबन्ध सम्बन्धी) और ऐडमिनिस्ट्रेटिव (प्रशासकीय) की बात रखी है, तो आप को डैफीनीशन (परिभाषा) करना होगा कि मैनेजीरियल और ऐडमिनिस्ट्रेटिव किसे कहते हैं, अगर आप ऐसा नहीं करेंगे तो ट्राइब्यूनल के सामने झगड़ा होगा। इसलिये इन सब चीजों को आप ठीक कीजिये और "आर" (या) को हटा कर यहां पर "एंड" (और) कर दीजिये। दूसरे जिस आदमी को ५०० रु० तन्ख्वाह मिलती हो और वह मैनेजीरियल (प्रबन्ध सम्बन्धी) काम करता हो, उस को इस में से हटाइये, औरों को इस विधेयक में वर्कर की डैफीनीशन (परिभाषा) में रखना चाहिये।

Shrimati Renu Chakravartty: I just rise to support the amendments of Shri Tushar Chatterjea and Shri Raja Ram Shastri. In a way, I think, Shri Raja Ram Shastri's amendment is a little wider and covers certain categories of workers who for long have not been able to get justice done to them and have not been able to get a certain degree of security of service, which is also needed both in the case of *badli* workers as well as contract labour. The fact remains that a very large proportion of the work in almost all the establishments is still being done by contractors and their labour is not covered. They can come under the Industrial Disputes Act. Therefore, it is necessary that they should be brought in, and no ambiguity should be allowed to remain in their cases. As a matter of fact, every time, all types of efforts are made by the employer to get out of any advantages which the contract labour may get from the employer. As a matter of fact, very recently, there has been a case in the manganese and iron ore work where, after a great strike, the Adivasi workers had actually made the Bird and Company to give them certain guarantees for sick wages, etc., although they were contract labour but by just changing the contractual terms, the entire burden is shifted on to the contractors. They must get their sick wages and other benefits which up till now had been paid by the employer. Now that is shifted on to the contractors, and the contract labour is unable to take the case up to any level—to the Labour Court or the Industrial Court. Therefore, I feel that it is very essential to provide for that without any ambiguity in the amendment itself. Of course, in the case of *badli* workers also, I feel that there is a large proportion of retrenchment comes up, we only consider those who are not *badlis* but who are on the register. But you will see that the *badlis* are there for 15 years or so, labouring for the employer. I, therefore, feel that this particular amendment of Shri Raja Ram Shastri is very useful and I hope that the hon. Minister will find his way to accept it.

Shri N. Sreekantan Nair: I just want to bring to the notice of the hon. Minister, now that he is here, the suggestion made by Shri Venkataraman that after the first two sub-clauses, the other sub-clauses should be omitted and then the entire difficulty will be removed. It will be evident that only those items which have been completely excluded are not under the purview of the Act. For example, there is the case of the Watch and Ward. At least if there had been a comma after the words "to do any skilled or unskilled" we could have interpreted it somehow to bring in all other categories of people here.

The substitution of "or" by "and", as suggested by Shri Venkataraman, is very desirable, and if at least that is accepted, some of the difficulties will be removed.

Shri Tulsidas: I have listened to the arguments advanced with regard to the supervisory staff. I do not think there is any intention on the part of any body to prevent the supervisory staff or the workers from having their unions. Today we are on the threshold of the Second Plan and we want to

[Shri Tulsidas]

increase production. If the workers have certain grievances they have been given legitimate means and different courses have been prescribed for them. But when the supervisory staff are included in the unions, the difficulties will become much more.

The Labour Minister has put in an amendment by which he has included banks. Banking industry may be declared to be a public utility service according to this amendment. In that case, certain sections of the Act do not apply to that industry. I am glad that he has thought it fit to do so and felt that that industry required a certain amount of protection.

If you bring the supervisory staff, technicians, etc. within the purview of this Bill, they would look to the Government instead of their employers, for redressing their grievances. Most of the supervisory staff have got their contracts with the employers and they are more on a personal level. If the supervisory staff are to join issue with the workers whom they have to supervise, the position is awkward.

Shri Nambiar: What is awkward there?

Shri Tulsidas: It will not be possible for them to join. They are on an entirely different basis and it is not possible for them to make common cause with the workers on the question of wages. They can certainly form their unions. Let them have their unions. Why should they join hands with the same people whom they have to supervise?

Take for instance the bank strike. It was the officers who carried on the business at that time. Otherwise, a large number of depositors would have been put to a lot of difficulties.

Then again there is a qualification fixed that a person should not be drawing more than five hundred rupees. That qualification is not necessary because there is the other qualification "...employed in a supervisory capacity .....or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature". Therefore, we need not have this qualification that one should get wages exceeding five hundred rupees. In small-scale industries, there may be supervisory staff drawing not more than Rs. 250 or even less. The other qualification should be considered to be sufficient to class them as a separate entity.

I heard Shri Nambiar saying something about the railway workshop. It does not come into the picture and it has nothing to do with this legislation.

Shri Nambiar: The term 'workman' is applicable though certain sections here may not apply.

Shri Tulsidas: The workers may have their grievances but they have safeguards under this Act; they can go to the particular machinery and get their grievances redressed.

Then, I come to the question of contract labour. Who is the employer of the contract labour? Is it the factory or the contractor? I can give you an illustration. The shipping companies in Bombay have different contracts for stevedores. These stevedores have nothing to do with the companies. They take the contract of not one company but many companies and if there is a dispute, it is not a dispute between the company and the labourers but one between the contractor and the labourers; it is the contractor who is their employer. They can certainly form a union and settle their disputes with him. Why should such labour be mixed up with factory labour?

Shri N. Sreekantan Nair: If the workers strike work, will the factory be affected or not?

Shri Tulsidas: To that extent the contractor is responsible to the main employer or the factory.

I am not disputing the inherent right of anyone to form a union but why should all these different categories be mixed up together? Such a course would create more difficulties

and harm the interests of the workers themselves. The contract labour may not get the same remuneration as others. What will happen if it joins with the ordinary labour which is getting a much better remuneration? There is no use of mixing issue together. On that point, Sir, I agree with you.

When we are on the threshold of the Second Plan, is it necessary to consider the supervisory staff along with the others? Why should they be tied together? If you want to provide them with a union, let them have a separate union. I am prepared to accept that point. This qualification of Rs. 500 need not be there.

The relevant portion here reads:

> "who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem or exercises....."

The word 'or' should not be removed. The salary may be more or less. So, this point has to be decided by the Government as to who the supervisory staff are. I would request the hon. Minister to consider these things and remove the supervisory staff from this category.

Shri Amarnath Vidyalankar (Jullunder) *rose*—

Mr. Chairman: I am afraid this clause alone has taken a good length of time. We are racing against time and there are so many clauses. I am afraid I will not be able to accommodate every hon. Member. The hon. Member who is standing can speak on some other clause.

Shri Venkataraman: These are only two or three controversial matters.

Shri Khandubhai Desai: I would first reply to our friend, Shri Tulsidas. He asks whether the supervisory staff should be protected in a planned economy of the socialist type. That is exactly the reason why we have brought in that category in order to see that good relations even between the supervisors on the one hand and the people who act in the managerial or advisory capacity on the other, are promoted. It does not go against planned economy. It goes in favour of the planned economy.

Secondly, this law does not ask them not to form a separate union. They may have a separate union if they choose.

Shri N. Sreekantan Nair: It does not ask them to form a union.

Shri Khandubhai Desai: They can form any trade union they like. If they want to deal as a separate union with the employers they can do so.

Then the question is whether I should accept the amendments which have been moved by my friend Shri Venkataraman, Thakur Jugal Kishore Sinha and others. I am sorry I am not able to accept those amendments for the reason which I have already stated in my speech earlier. I am not prepared to extend the scope of the definition of 'workmen' any further than that which has already been decided.

There seems to be some misapprehension as to whether the employees in a hospital are workers or not. The Bombay High Court has very recently decided that compounders, nurses etc. are covered by this law. They will be workmen under the amended law and they can take up disputes under the machinery provided under this law.

The question of contract labour is not so simple as it appears to be. Contract labour is covered by this law. The intention of the Members moving an amendment seems to be that, even though they are covered by their contractor, the responsibility and liability should be that of the principal employer. That is the position. We have referred so many cases of contract labour to adjudication and so many decisions have come out which are applicable to their immediate employers, the contractors. Now the question of making the principal employers liable and responsible for it is a question which requires a further enquiry. It is not a simple

[Shri Khandubhai Desai]

matter. Contract labour is being particularly employed by the building and construction companies and what I find is that sometimes those contractors are more powerful and have better resources than even the principal employers; say, in a co-operative society. So many middle-class men get together to have a co-operative building society and the contractor employed may be a man of millions. If that contractor fails to put the liability on the co-operative society, it is something which I do not think this House will appreciate.

If the Members who moved these amendments had looked into the labour policy of the Second Five Year Plan, where this question has been discussed in detail, they would have understood the correct position. I have got sympathy, particularly where the principal employers in order to evade these laws or evade any other laws give contract in name and not in a *bona fide* way. This question is being enquired into by the Labour Ministry and where the vicarious liability is to be put is a question which is engaging our attention. I should again say that, where contract is being given—in mines or in factories—not for *bona fide* purposes but just to evade the law, this question is engaging our attention and after the enquiry is complete we will be able to take some decisions in the matter. But, as at present, I am not prepared to make the principal employer liable for any liability that may accrue to an employee or employees in an overall way. We would have to divide the contract labour. We have had a meeting of the building and construction employees sometime back and as far as Government is concerned we have agreed to an agreement to be made with the contractors who build our buildings, big dams or other projects, where the question of fair wages and good conditions of work are put in as a matter of contract. Unless they do all these things they are liable to punishment. So many cases have come to our notice where we have moved in the matter. Anyway, this matter is engaging our attention and after the enquiry we will be able to bring in some constructive proposals before the House. I would, therefore, request the Members who have moved the amendments to withdraw them.

ठाकुर युगल किशोर सिंह : मैं यह कहना चाहता हूं कि डिप्टी मिनिस्टर महोदय ने कहा कि वह वाचमैन को लेने को तैयार हैं।

Shri Khandubhai Desai: Fortunately, they are covered. The watch and ward employees are covered. Even *Badlis* are covered. As a matter of fact, so many decisions have come in our favour and if any question will arise.....

Thakur Jugal Kishore Sinha: Is there any decision about watchmen?

Shri Khandubhai Desai: Is there any adverse decision? Do not give the idea that some employees are not covered. They are covered and if any dispute will arise we will send it on for interpretation.

Thakur Jugal Kishore Sinha: There have been decisions given against by industrial tribunals. I want to know whether there is any decision in favour of watchmen being awarded by any tribunal.

Mr. Chairman: This is not a question which can be categorically answered. Rulings are rulings. When the hon. Minister says that they are covered, it must be accepted. He goes on further to say that if any difficulty arises the matter will be taken for interpretation.

Now, shall I put the amendments to the vote of the House?

Shri Venkataraman: Sir, I would like to withdraw my amendments Nos. 46, 47 and 48.

Shri Nambiar: I withdraw my sympathies shown to him.

The amendments were, by leave, withdrawn.

Mr. Chairman: I will now put the Government amendments to the vote of the House.

Shrimati Renu Chakravartty: Sir, I rise on a point of clarification. In this amendment No. 3 it is said:

Page 1—

after line 24, *insert*:

"(aa) in clause (bb) for the words "Imperial Bank of India" the words "State Bank of India and the Reserve Bank of India" shall be substituted'

I do not find the words "Imperial Bank of India". Is it in the original Bill?

Shri Khandubhai Desai: We are bringing in the banking companies under the public utility services if the Government so declares.

Mr. Chairman: The question here is that the words "Imperial Bank of India" stated in the amendment are not there in the amending Bill. I do not find any clause (bb) in this Bill.

Shri Khandubhai Desai: It is in the original Act. "Imperial Bank" is the State Bank now under the law which we have passed.

Mr. Chairman: The question is:

Page 1—

after line 24, *insert*:

'(aa) in clause (bb), for the words "Imperial Bank of India" the words "State Bank of India and the Reserve Bank of India" shall be substituted.'

The motion was adopted.

Mr. Chairman: The question is:

Page 2, line 29—

for "person" *substitute* "such person".

The motion was adopted.

Mr. Chairman: The question is:

Page 2, line 27—

after "express or implied" *insert*:

"and includes a person employed by a contractor to do any work for him in the execution of a contract with an employer."

The motion was negatived.

Mr. Chairman: The question is:

Page 2,—

(i) lines 23 to 26—

for "(s) 'workman' means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward" *substitute*:

"(s) 'workman' means any person employed in any industry to do any work and paid from the funds of the employer, and also includes an apprentice, a substitute (badli) or any person employed through a contractor to do any work for the principal employer in the execution of a contract with him."

(ii) line 33—

after "dispute" *insert*:

"and includes a civilian employee of the defence establishments."

The motion was negatived.

Mr. Chairman: The question is:

Page 4, lines 3 to 6—

omit "or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

The motion was negatived.

Mr. Chairman: The question is:

Page 2, lines 24 to 26—

for "to do any skilled or unskilled manual, supervisory, technical or clerical work" *substitute*:

"directly or indirectly through contractor."

The motion was negatived.

Mr. Chairman: The question is:

Page 2, lines 39 and 40—

omit "or administrative".

The motion was negatived.

Mr. Chairman: The question is:

Page 2, line 25—

after "technical" *insert* "professional".

The motion was negatived.

Mr. Chairman: The question is:
Page 2, line 27—
after "express or implied" *insert*:

"and includes any person employed by Contractors."

The motion was negatived.

Mr. Chairman: The question is:

Page 2, line 40—

after "capacity" *insert*:

"drawing a basic pay of more than five hundred rupees per mensem."

The motion was negatived.

Mr. Chairman: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4— (*Substitution of new sections for section 7*)

Mr. Chairman: These are the selected amendments to this Clause which have been indicated by Members to be moved:

Amendments Nos. 5, 6, 7, (all the three Government amendments), Nos. 52, 53, 66, 117, 118, 49, 50, 85, 86, 87, 88, 136, 137, 51 and 67.

Shri Khandubhai Desai: I beg to move:

(i) Page 3—

for lines 18 and 19, *substitute*:

"presiding officer of a Labour Court, unless—

(a) he has held any judicial office in India for not less than seven years; or

(b) he has been the presiding officer of a Labour Court constituted under any Provincial Act or State Act for not less than five years."

(ii) Page 3—

for lines 30 to 34, *substitute*:

"(b) he has held the office of the Chairman or any other member of the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950 (48 of 1950), or of any Tribunal, for a period of not less than two years".

(iii) Page 4—

for lines 7 and 8 *substitute*:

"presiding officer of a National Tribunal unless—

(a) he is, or has been, a judge of a High Court; or

(b) he has held the office of the Chairman or any other member of the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950 (48 of 1950), for a period of not less than two years."

Shri A. M. Thomas: I beg to move:

(i) Page 3—

after line 34, *add*:

"(c) he is qualified for appointment as a judge of a High Court."

(ii) Page 3—

after line 34, *add*:

"Provided that any person appointed to and continuing in any Industrial Tribunal notified under section 7 of the Industrial Disputes Act, 1947 (14 of 1947) shall be eligible to be appointed to any Industrial Tribunal constituted under this Act."

Shri Achuthan (Cranganoor): I beg to move:

Page 3, line 29—

after "High Court" *insert*:

"or District Court or is qualified for appointment."

Shri N. Sreekantan Nair: Sir, I beg to move:

That in the amendment proposed by Shri Khandubhai K. Desai, printed as No. 5 in List No. 1 of Amendments—

after the proposed sub-clause (b), *add*:

"(c) he is employed as a member of an Industrial Tribunal or as the presiding officer of a Labour Court at the time of the commencement of this Act."

Thakur Jugal Kishore Sinha: I beg to move:

Page 4, line 16—

for "sixty-five" *substitute* "fifty-five".

Shri C. Bhati (Broach): I beg to move:

(i) That in the amendment proposed by Shri Khandubhai K. Desai, printed as No. 5 in List No. 1 of Amendments—

for the proposed sub-clause (b), *substitute*:

(b) he has held the post of a presiding officer of a Labour Court under any State Act for not less than three years.".

(ii) Page 3—

for lines 30 to 34, *substitute*:

"(b) he has held the office of a member of a Tribunal for a continuous period of not less than two years or a post of the presiding officer of the Labour Court either under the Industrial Disputes Act or any State Act for not less than seven years."

Pandit Thakur Das Bhargava: I beg to move:

(i) Page 3—

for lines 29 to 34, *substitute*:

"(a) he has held any judicial office in India for not less than 10 years; or

(b) he is or has been or is qualified to become a High Court Judge; or

(c) he is holding or has held the office of a member of a Tribunal for a period of not less than one year immediately before the commencement of the Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956."

(ii) Page 3—

omit lines 35 to 37.

(iii) Page 4, line 8—

add at the end:

"or District Judge of ten years standing."

(iv) Page 4—

Omit lines 9 to 11.

Page 3—

for lines 29 to 34, *substitute*:

"(a) he is or has been a Judge of a High Court; or

(b) he is holding or has held the office of a member of a Tribunal for a period of not less than two years; or

(c) he has held any judicial office in India for a period of not less than ten years and is holding or has held the office of a member of the Tribunal for a period of not less than one year."

That in the amendment proposed by Shri Khandubhai K. Desai, printed as No. 6 in List No. 1 of Amendments—

for "two years" *substitute* "one year".

Shri C. R. Iyyunni (Trichur): I beg to move:

(i) Page 3, lines 30 and 31—

Omit "for a continuous period of not less than two years".

(ii) Page 3—

for lines 30 to 34, *substitute*:

"(b) he has been holding the office of a member of the Tribunal immediately before the commencement of the Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956."

Mr. Chairman: All these amendments are before the House.

Shri A. M. Thomas: It has been stated that the main object of this amending Bill is to substitute the present system of tribunals by a three-tier system of original tribunals manned by personnel of appropriate qualifications. I warmly support this idea and my amendments only relate to the qualifications prescribed for appointment to these various bodies.

[MR. DEPUTY-SPEAKER *in the Chair*]

2.42 P.M.

Sir, the House knows that ever since the legislation by which the appellate tribunals were constituted, there has been an agitation among labour circles and also, I should say, among the public, for abolition of the appellate tribunals. Therefore, the step that the Government are taking now has to be welcomed by all sections of the House. The subject of abolition of appellate tribunals formed even the subject-matter of election manifestos which were being issued by the various parties. The Congress, the Socialists and the Communists—all these parties—were agitating for the abolition of these appellate tribunals. I do not think the main idea by which this agitation was set afoot was because of the fact that this machinery was so costly as has been mentioned in the Statement of Objects and Reasons. The main reason was that the general tendency of these appellate tribunals was to maintain the *status quo* and if at all they erred, they erred only on the side of employers. They generally followed a very conservative policy. That was the main reason why the trade unions sections opposed the retention of these appellate tribunals. Whatever machinery we constitute, we all know that the personnel has got a great deal to do with the administration of that law. The temperament of the tribunal which administers the various labour laws has a great deal to do in the matter of giving satisfaction to the contesting parties. If the tribunals that are constituted apply the various provisions, bearing in mind strictly the legal and technical considerations alone, then it may not be possible to mete out proper justice especially to the labour side. If that is conceded, the arguments which I would urge to be accepted in support of my amendments would, I think, be acceptable to the Government.

According to the scheme of the Government as envisaged in this Bill, the idea is to appoint only persons with judicial experience or persons who have got experience in the industrial tribunals, to the various bodies. I can very well understand the anxiety of the hon. Minister of Labour in this regard. In view of the fact that he is abolishing the appellate tribunals he should be naturally satisfied that proper and even-handed justice would be administered. For that, the first criterion that is necessary is that the various original courts—if we do not provide for any appeals—should enthuse so much of confidence in the public. I can understand that feeling on the part of the hon. Minister of Labour. But I would ask the hon. Minister whether the Constitution-framers had not that idea when they provided for qualifications for appointment to the Supreme Court as well as to the High Courts.

Shri Nambiar: All argument of a lawyer is for a lawyer.

Shri A. M. Thomas: Let us see what article 124(3) says. It reads as follows:

"(3) A person shall not be qualified for appointment as a Judge of the Supreme Court unless he is a citizen of India and—

(a) has been for at least five years a Judge of a High Court or of two or more such Courts in succession; or

(b) has been for at least ten years an advocate of a High Court or of two or more such Courts in succession; or

(c) is, in the opinion of the President, a distinguished jurist."

An advocate of a particular period of standing has been made eligible, or is qualified, for appointment of a judge of the Supreme Court.

Let us also see what article 217(2) says. It says as follows, in respect of appointment to the High Courts:

"(2) A person shall not be qualified for appointment as a Judge of a High Court unless he is a citizen of India and—

(a) has for at least ten years held a judicial office in the territory of India; or

(b) has for at least ten years been an advocate of a High Court in any State specified in the First Schedule or of two or more such Courts in succession."

So, what I want to impress upon this House is this. Even for appointments to the Supreme Court, the highest judicial body in the country and to the various High Courts of the States,—we find the provision, namely, if a particular person had a particular period of standing at the bar, he is qualified to be appointed to the post. I do not understand why the Government should distrust the lawyers and why recruitment from the bar should be discouraged. I concede that although there has been this provision that direct recruitment from the bar can be resorted to for appointment to the Supreme Court, so far, the President has not appointed any person direct from the bar to that Court. So even though there is that enabling provision, the authority who is entrusted with the duty of making the appointment would certainly see that only proper and experienced persons are recruited. If the Government want experienced persons who have the experience of judiciary or of the tribunals, certainly they can recruit judges from among such experienced persons. But what I would urge is, the other field should not be shut entirely. There must be an enabling provision which would authorise the appropriate authority to make appointments direct from the bar. You will find that even in the matter of recruitment direct from the bar, according to the present Act, in the matter of appointment to the industrial tribunal in a particular State, the approval of the High Court of that State has to be obtained, so that there need not be any anxiety or fear on the ground that incompetent persons would be appointed to that post. Care is taken even in the existing Act to make a proper selection. So, I would urge that the Government must be persuaded to accept my amendment and not make any change in the matter of qualifications prescribed in the existing Act.

According to the qualifications prescribed, you have to find either a retired judge or a person with two years' experience. I have in mind a particular instance and I think my hon. friend, Shri Sreekantan Nair, also had the same instance in mind when he moved his amendment 117. He has said:

after the proposed sub-clause (b), *add*—

"(c) he is employed as a member of an industrial Tribunal or as the presiding officer of a Labour Court at the time of the commencement of this Act."

[Shri A. M. Thomas]

I think he has in view the exemption of those persons who now hold the posts of judges of industrial tribunals or presiding officers of industrial courts. That would be necessary, especially in the case of my State. In my State formerly there were two industrial tribunals; then there was only one. At the time when there was only one tribunal throughout the State, the State Government constituted three industrial tribunals afresh under the particular provision of the 1947 Act and appointed one person each to these tribunals. The recruitment was direct from the bar and it was with the approval of the High Court. Two of the persons appointed had acted even as a Government pleaders. I only want to show that those persons are competent. Another had experience for about 17 or 18 years at the bar. It may not be proper to give any certificate to a person who is acting as a judge of an industrial tribunal but, by and large, these three persons had given satisfaction to both the labour as well as the employers to the same extent if not made than what their predecessors were able to do. Otherwise, a person who is in the thick of the labour movement in Travancore-Cochin, like my friend, Shri Sreekantan Nair, would not have moved an amendment of this sort. That indicates that as far as my part of the country is concerned, opinion is rather unanimous in this matter that there must be an enabling provision which would empower the State Government to retain their services or appoint them afresh in the industrial tribunals in my State.

There is another difficulty also as far as my State is concerned.

Mr. Deputy-Speaker: What is it? There is a very long distance to be traversed; the hon. Member has taken enough time.

Shri Nambiar: Many important clauses are there relating to labourers; here he is speaking only about lawyers.

Shri A. M. Thomas: I will conclude in a minute. I think it is necessary that persons should take the view that social justice will be done better by people who are recruited direct from the bar and not those persons who have held judicial offices, because generally they are conservative.

The scales of salaries prescribed for the judges of industrial tribunals range from Rs. 500 to Rs. 800. Suppose a retired High Court Judge is to be appointed, he draws a pension of Rs. 1,000 and so, he would not be available unless the salary is Rs. 1,500 or Rs. 2,000. You just take into consideration the position prevailing in my State.

Shri Nambiar: Good lawyers may not come.

Shri A. M. Thomas: There is only one person who has held the post of the industrial tribunal. He has been there for a pretty long time and he retired about two years ago. I do not think there is any person who would be qualified to fill the post, if the second qualification is also adopted. Therefore, having in view these practical considerations also, I think it is necessary for the Government to accept my first amendment. If the Government is not in a position to accept that amendment, my second amendment or the amendment of my friend, Shri Sreekantan Nair, may be accepted to meet the situation prevailing in my State.

Pandit Thakur Das Bhargava: I have moved amendments Nos. 85, 86, 87, 88, 136 and 137. In regard to the qualifications for these judges, I have got two considerations in view. Firstly, these judges, according to me, will not be strictly legal judges as we understand them to be. I think there is no appeal provided from their judgment and I take it that they will be just like *panches, chowdhuries* etc. They will decide cases without going into legal intricacies.

Pandit K. C. Sharma (Meerut Distt.—South): Natural justice.

Pandit Thakur Das Bhargava: As my hon. friend has put it, the judgment will be according to his sense of natural justice. Therefore, we want people who will not be very legalistic and who will have their common sense fully developed, and at the same time, who will see that the labour also gets justice, not in the way in which we understand justice in the legal sense. That is why these appellate courts are being quashed and a one-man court is being substituted with no appeal at all. But I am anxious that the field of choice must be more wide. Those who have been serving in the appellate courts may be appointed, provided they are good people. After all, they have got experience and at the same time, when they were appointed originally, they would have satisfied the qualifications which must have been fairly high strict. I also understand that in every State, you will require about 3 or 4 courts at least, and therefore, the number of people from whom choice will have to be made should be fairly large. It is very easy to say that we must employ a High Court Judge for every work. But, it is very difficult to employ a High Court Judge. If the amendments of some of my friends were accepted and if you want High Court Judges even for labour courts, it will be most difficult. Of course, I am very glad that people have got confidence in High Court Judges, but at the same time, we should remember that it is very costly to employ them and, you will not find many High Court Judges who would like to serve in labour courts. It would be very costly to employ persons getting Rs. 3,500 or Rs. 4,000 for these posts. I do not want to add to the very good arguments that have been advanced by my hon. friend Shri Thomas in respect of his amendments. I have also moved a similar amendment saying that persons who are qualified to be High Court Judges should be acceptable. At the same time, I do want to say one thing. After some time, these judges who have got experience of two years will have been exhausted. When you have to make the choice, why should you exclude these people who have experience of one year? You choose; not any other. You are restricting your choice, when you limit it to experience of two years. I have given notice of an amendment that even those who have served for one year should also be eligible because the choice remains with the appointing authority. The field of choice should not be narrowed down so that it may become difficult to get competent people. I would ask the hon. Minister to consider it. It does not bind him to accept any one. At the same time, it leaves the field larger and a man with one year's experience may be acceptable as a candidate. I have no objection to having two years. But, I feel the field of choice should be quite wide.

3 P.M.

I submit that even in respect of National Tribunals, it should not be necessary, it should not be absolutely obligatory, that you should have High Court Judges. In my humble opinion, District or Sessions Judges are very qualified people, if they have 10 years' standing as District Judges, and they are as good as High Court Judges so far as judicial standing is concerned. This point may be considered by the hon. Minister. This will enable him to make a better choice according to the will of the appointing authority. He is not restricted in any way.

I have only one word more about the assessors. I submitted my view about this on the 21st and with your permission, I want to repeat it. If you want to have assessors, have them by all means. I am not against that. The assessors would have special knowledge and that may be of some use. But, do not leave the provision as it is. If the assessors are there,

[Pandit Thakur Das Bhargava]

you must provide that their opinion must be taken. That opinion may not be binding on the Judge. If in a particular hearing the assessors are not present, that should not invalidate any decision. When this judgment goes before any other court, the question will arise whether it is valid or not. I know that previously when the assessors were there under the Criminal Procedure Code, the law was, unless and until the opinion of the assessors was taken, no judgment was valid. It is quite true that the Sessions Judge was not bound to accept their opinion. But, the opinion must be taken. Otherwise, it will not be a validly constituted judgment. A similar provision may be made here. This question may be taken by employers and workers. If you are going to make a law, let it be complete. There is no point in not making a provision of this kind. As I submitted, I am generally in favour of having expert witnesses rather than expert assessors. I would also like that all those persons whose opinion can be of any value must be examined and the parties given an opportunity to cross-examine on relevant matters so that no party could have a grievance that this man's evidence should be accepted or not. I am not against the principle. But, kindly make a provision so that the law may be full and fool-proof.

Shri N. Sreekantan Nair: Sir, regarding my amendment No. 117 to which Shri A. M. Thomas referred, I wish to submit that Pandit Thakur Das Bhargava forgot to mention his own amendment wherein he also has advocated that a person who is holding or has held an office in a particular tribunal should be eligible.

Pandit Thakur Das Bhargava: Please see my amendments 136 and 137. I am not against them.

Shri N. Sreekantan Nair: He has also submitted that these people who are in the tribunals now may be continued to be appointed in the labour courts, not mainly because it is a necessity. In my State it is a general principle which any trade union accepts that those people who are occupying certain positions should not be thrown out of those positions. It becomes a discharge in the normal trade union language. We may not be offending the trade union laws if they are to be thrown out. But it is not right until and unless you have any definite charge against them. Those who are either members of any tribunal or presiding officers in Labour courts may be used—not in the tribunals; that I have made specifically clear—in the labour courts so that the standards may not fall.

I have one complaint regarding the age limit and I have referred to it in my next amendment. I fully endorse many of the views expressed by Shri A. M. Thomas. But, I feel that the older a man becomes,—it may not be so in all cases—generally he finds it difficult to adapt himself to the demands of changing society and changing conceptions of society. The age limit as it now stands is 60. It is going to be raised to 65. All superannuated people may be dumped on the working classes.

Shri Khandubhai Desai: There is no age limit.

Shri A. M. Thomas: It is 65.

Shri Khandubhai Desai: Today, there is no age limit.

Shri N. Sreekantan Nair: The Constitution provides that temporary Judges....

Shri Abid Ali: For High Court Judges it is 60.

Shri N. Sreekantan Nair: If the older people are dumped on us, as I pointed, they become choleric.

Shri Abid Ali: Like Supreme Court Judges.

Shri N. Sreekantan Nair: The Supreme Court Judges, as I submitted the other day, have only to interpret the laws. Here, you have got to adapt

yourself to the changing conditions of society. There is no definite code or definite laws to be interpreted as such You have to take an objective view of the nation as a whole, the condition of the industries, the condition of the State and evolve a progressive system that would be suited to the changing conditions of society. In the case of industrial relations, it is not a judicial affair. It is a matter which rests on equity, on human considerations and fairmindedness. To bring in old people has been the bane of the appellate tribunals also. The main agitation has been because they were old people who cannot understand the changing conceptions, who have been working in a certain rut, who can see the the needs of the country only in a theoretical way or with the divine right of property in the back of their minds, who have been judges for a long time, who cannot dispense natural justice in such a way as to suit the conditions. I have seen in the old members of appellate tribunals,—you have to dance to their tunes; they are very senile and they accept whatever a lawyer says more than what a Member of Parliament says even if he, as a trade union leader speaks from personal knowledge. I have had two experiences very recently. In Madras two cases have been decided in an impossible manner, in an irresponsible manner. I am the only man among the trade unionists to support the labour appellate tribunal and I did it even on the floor of the House yesterday in spite of the fact that the decision against me was unfair. The Chairman said that he accepted what the advocate, a very clever and reputed man said. It was an extrajudicial matter and the court could not take cognisance of it. It took cognisance. It was a big case involving lakhs of rupees. It is against the basic principles of industrial relations. In my State, there will be a turmoil over this decision next month. I had to put up with the decision because I knew that if you go to a court, whether the decision is right or wrong, you have to accept it. Now, I would have to go to the Supreme Court; but the workers are not in a position to take up the matter to the Supreme Court. I tried to approach the State Government to get this particular section interpreted in favour of the workers. Once it was done before. The State Government is now under the sway of the Central Government. Now, it is a matter with the Adviser. As he was not prepared to take any steps I had to pocket the decision and go away. In exactly another case, the advocate gave a wrong interpretation to the term *Mycaud* which is a Malayalam term. It was interpreted to mean seasonal *Mycaud* is a class of worker who does something unskilled with his physical capacity. The clever lawyer said he was only a seasonal worker, that he has worked only from March to June and for the rest of the year there is no work. The Judge gave the award that these people may be given work from March to June, and then when there is work they may be given the same. On the strength of that the employer sent away the workers as casual labourers, but because it is a regular piece of work he recruited new people. It is such people who believe in lawyers who cringe and fawn before them that are appointed. A man like me cannot cringe and fawn. At least younger people who understand the sense of dignity who have not been sitting tight as Judges on the advocates, may be appointed and the age limit of 65 may be reduced to 55.

Shri Bansal (Jhajjar-Rewari): I had no intention of speaking on these amendments, but after listening to the arguments of my friend Shri A. M. Thomas and Pandit Thakur Das Bhargava, I am obliged to make a few observations.

Here we are dealing with those clauses of the Bill on which there had been prolonged arguments in the various joint meetings of the workers' and employers' organisations. I remember that when the Joint Consultative Board was meeting it was put to the employers that Government had more or less come to the conclusion that the appellate tribunal may be done away with and they were asked

[Shri Bansal]

what alternatives they would suggest in case it was abolished. The employers' representatives were against the abolition of the appellate tribunal, but when they were pressed, they said that at least sitting High Court Judges must be provided both on the State Industrial Tribunal and the National Industrial Tribunal. Although there was no formal or overt agreement to this effect, this was a sort of undertaking by the Government that the presiding officers of the tribunals would be sitting High Court Judges.

Shri A. M. Thomas: That is not the provision.

Shri Bansal: When we are going forward with a Bill which seeks to provide legal sanction to any agreement arrived at between the representatives of the workers and employees, then it is rather strange for the House to say that it will not accept the agreement which was reached by the most central organisations which have been set up by Government for consulting workers' and employees' organisations.

I know what Shri Thomas is saying, that in the Bill also this has not been fully provided. I said in my speech at the introductory stage of the Bill that that agreement has been watered down in the Bill, and the amendments which have been tabled by the hon. Minister water down that agreement even further. I am against that, but I would request Shri A. M. Thomas and Pandit Thakur Das Bhargava not to press their amendments in view of what I have stated. I would also request the hon. Minister to see that the provisions of the Bill are not further diluted.

Shri Nambiar: Since the case of lawyers is being discussed, I think the case of the worker must also be referred to.

I agree in the main with the principle enunciated in this clause, but I want a clarification. The labour court and the tribunal are both constituted by one man and there is no appeal. With all respect to the person who is to constitute the tribunal, I say he might commit a mistake. In certain cases certain persons are even purchased. If such a thing happens, what is the way out? I want to know what is in the mind of the Minister to know whether it is necessary to make this one man into three men so that it will be very difficult to purchase all the three or at least two. It will be costlier. If the hon. Minister can clarify the position I need not press my point.

Mr. Deputy-Speaker: The hon. Member might advance his arguments. The hon. Minister might clarify at the end.

Shri Nambiar: If quick disposal is required, the lesser the better. In that way, if a one-man tribunal is set up, it is good, but then the question of the calibre of the person comes in. If any lawyer can be recruited to the tribunal or court and if the qualification is to be extended, then I have my own fears. Shri A. M. Thomas argued that all lawyers may be permitted or at least may not be disqualified. He says retired Judges may not come because they are getting a higher amount as pension. Lawyers may not also come because as lawyers they may be earning bigger amounts. So, we will get only the cheap lawyers. So, it is a great disregard to our case. So, labour feels that a labour tribunal must be constituted by a responsible person, a retired Judge of calibre or persons who have two years' experience. We feel that the case will be lost if all sorts of cheap Dicks and Harrys are brought in. We feel that he clause may be there subject to the clarification I have asked for.

Shri C. R. Iyyunni: I too have tabled two amendments, 51 and 67 and they are also to the same effect as the amendment proposed by Shri A. M. Thomas.

The last speaker was referring to lawyers being purchased. He has not

read the provision in the Bill. This contingency will never arise hereafter. It is only under the present circumstances that it will arise because it is stated here: "he has held the office of a member of a Tribunal for a continuous period of not less than two years immediately before the commencement of the Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1955". The only point that has been stressed is that a person who has been appointed as a member of the tribunal, if he has got an experience of more than two years, may be allowed to continue but if he has got experience of less than two years he should go out. That seems to be a hard case. The House will remember that in the first place the Government must make a recommendation, and in the second place the High Court must approve whether he is fit enough to hold the post. Both those conditions have been fulfilled and they have been acting for some time. The only difference is that one person has been acting for two years and another for a period less than two years. That is the only difference. In other respects, there is absolutely no change whatsoever.

Then, it was stated by Shri A. M. Thomas that hereafter it may be difficult to get a High Court judge to accept an appointment like this, because at the time he is asked to take up this appointment, he may be getting his pension, which will be certainly much more than the remuneration that he is likely to get in the new post, and since he is not likely to get any benefit, he may not agree to serve on these tribunals. Whether it will be possible at all for Government to get suitable persons for appointment to these tribunals is another matter. So, from that point of view also, the suggestion that has been made deserves consideration.

After all, a few persons have been recruited to these tribunals, and they have lost their practice because of that. Now, if they are asked to go away, merely because they have not got two years' experience, then it will put them to a lot of hardship. After all, the difference between persons who have put in two years' experience and those who have put in less is very little.

There is one other point also in this connection. A person who has been a judge will find it difficult, somehow or other, to adjust himself to the new situation. He would always bring to bear upon everything his legalistic brain, and he will start weighing evidence and so on. It will be very difficult for him to bring to bear the commonsense point of view. The only thing that can be said in favour of a judge is that he will be more conversant with equity and natural justice, and any decision that he would give will be based on those principles. But in the case of an advocate, since he comes into contact with all kinds of people, commonsense will be present to a much greater extent. From this point of view also, I would suggest that lawyers may be included.

As I said earlier, this contingency will not arise hereafter. That is also a point which must be taken into consideration by the Minister. It will not be unfair also to retain these persons, because they have been appointed actually on the recommendation of the High Court.

Shri Achuthan: I support the amendments moved by my hon. friend. I have got also my own amendments to this clause.

In the new pattern, we are going to have a three-tier system. The lowest court is the labour court. For appointment to this, it has been laid down that the person should have held a judicial office for a certain number of years. That is all. It is not said that he should be a High Court judge, sitting or retired.

Then, we have the tribunal at the State level. Here also, the Bill says that with regard to certain factories, where the number involved is less than one hundred, any matter, whether specified in the Second Schedule or the Third Schedule will go to

[Shri Achuthan]

the labour court only and not to the tribunal. So, a distinction is made in this regard.

Lastly, we have the national tribunals, to deal with questions of national importance or matters affecting industrial establishments situated in more than one State.

Thus, we have a three-tier system. With regard to the highest tribunal, namely the national tribunal, the Bill does not say that the person to be chosen to serve on that should be a sitting or retired Supreme Court judge. It merely says that he should be or should have been a judge of the High Court. But I would like to suggest, taking into consideration the factors existing in my own State, that it is better that the choice is given to the Government to appoint either a district judge or a High Court judge. I do not agree with Shri Bansal who said that there was an agreement and that, it should not be altered further and it should be observed.

Judging from present trends, one can imagine that in the years to come, there will be more disputes in all the districts concerned. Take, for instance, the case of my own State. There are three or four districts, and there are three or four permanently existing tribunals. But even they find it difficult to dispose of all the pending cases in time. Now, what was the reason for abolishing the labour appellate tribunal? It was that justice delayed was justice denied. In fact, that has been admitted in the statistics that has been given regarding the number of pending cases in the labour appellate tribunal. Cases have been pending there for years together, which means that justice has not been done expeditiously in all those cases. So, it is from this point of view that the labour appellate tribunal has been abolished.

Further, we want to see that there is no unbearable burden placed on the State exchequer also. According to the provisions of this Bill, the person who can be appointed on these tribunals must be a sitting or retired High Court Judge. Now, under the new amendment to the Constitution, which we shall shortly be enacting, the pay of a High Court judge will on an average be Rs. 3,500. If in a small State like mine, there should be four or five tribunals, it would mean that there must be a number of High Court judges or judges having that pay in all these courts. There are three or four districts in my State. That means that there must be three or four tribunals, and there must be a permanent High Court judge in every district. This would certainly place a very heavy burden on the State exchequer.

After all, the persons who have to serve on these tribunals are not required to interpret the Hindu law or the civil law or the different Codes. We want men who have a wide outlook on the present state of affairs; they should be able to assess what the position of the employers is, what the position of the employees, is what the pattern of labour conditions is, what the amenities required by labour are, what must be done in the interests of equity and natural justice and so on. These are the things which must weigh with the presiding officers of these tribunals, and not any legalistic interpretation of this or that statute or the High Court's or Supreme Court's decision in that case or this case. The criteria to be kept in mind are commonsense, equity, natural justice, social justice etc. I do not think any State Government will select a person who has not got these minimum requirements for appointment to these tribunals, for no State Government can work in the future set-up, if it selects such a person. So, there cannot be any room for the fear that if a district judge or an advocate qualified to be a district judge is appointed, justice would not be meted out. Such fears are unfounded.

From experience also, we can say that the district judges, or at least ninety-five per cent. of them, are men

who have a proper judicial frame of mind to deal with these problems. I hope my hon. friend Shri N. C. Chatterjee will bear testimony to this.

Similarly, with regard to the labour courts, retired munsifs could be appointed. They would also zealous of their responsibilities just like the district judges. So, there is no point in saying that only High Court judges should be appointed. It is only a sentimental feeling that makes Members say that a sitting or retired High Court judge should be appointed, and once he is appointed, everything will be all right.

I hope Government will take into consideration these aspects also, so that there may be less difficulty in the different States in getting suitable persons for these tribunals.

So far as my State is concerned, there is the practical difficulty in the case of the existing persons on the tribunals. For no fault of theirs, they are now becoming the sufferers. I hope their case also will be looked into by Government.

I support the amendments of Shri A. M. Thomas and Shri C. R. Iyyunni, and I commend my own amendments to the House.

Shri Khandubhai Desai: The House must appreciate that we are abolishing the appellate court. The consensus of opinion of both workers' representatives and employers' representatives was that the stature and quality of the industrial courts or the national courts should not only be maintained but should be increased if possible.

There is also the point that even in spite of that consensus of opinion, we have watered down the provision a little, and allowed those persons who have served for any length of time, that is, for about two years, to be eligible for appointment to these tribunals.

Shri A. M. Thomas: 'Any length of time' is not two years.

Shri Khandubhai Desai: Two years for this purpose. Government are not prepared to water it down any further.

Shri N. Sreekantan Nair: What about those who are now in the job?

Shri Khandubhai Desai: That does not mean that I have got anything to say against my lawyer friends. But unfortunately, however good they may be, the parties do not have that much confidence in them which we would like them to have. But anyway, it is there. We have to take the realities as they exist. Therefore, I am not able to accept the amendments.

Shri N. Sreekantan Nair: What about those who are in the line?

Shri Khandubhai Desai: If they have served for about two years, they will be eligible for the industrial tribunal.

There were two suggestions made by Pandit Thakur Das Bhargava. One is regarding the appointment of assessors. In the law, it is provided that assessors may be appointed by Government to advise the tribunals. I should think that their advice will be taken. Of course, the ultimate decision will rest with the tribunals. But in case some Judges do not take their advice or if one of the assessors is not present, the whole procedure may be invalidated. This is a question which I will consider. It is possible in the procedure section of the rules which we will be framing to take this into consideration and see how appropriately we can include it.

Mr. Deputy-Speaker: The question is:

Page 3—

for lines 18 and 19, *substitute*:

"presiding officer of a Labour Court, unless—

(a) he has held any judicial office in India for not less than seven years; or

[Mr. Deputy-Speaker]

(b) he has been the presiding officer of a Labour Court constituted under any Provincial Act or State Act for not less than five years."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 3—

for lines 30 to 34, *substitute*:

"(b) he has held the office of the Chairman or any other member of the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950 (48 of 1950) or of any Tribunal, for a period of not less than two years."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 4—

for lines 7 and 8, *substitute*:

"presiding officer of a National Tribunal unless—

(a) he is, or has been, a judge of a High Court; or

(b) he has held the office of the Chairman or any other member of the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950 (48 of 1950) for a period of not less than two years."

The motion was adopted.

Mr. Deputy-Speaker: I shall now put all the other amendments to the vote of the House.

The question is:

That in the amendment proposed by Shri Khandubhai K. Desai, printed as No. 5 in List No. 1 of Amendments—

for the proposed sub-clause (b), *substitute*:

"(b) he has held the post of a presiding officer of a Labour Court under any State Act for not less than three years."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3—

for lines 30 to 34, *substitute*:

"(b) he has held the office of a member of a Tribunal for a continuous period of not less than two years or a post of the presiding officer of the Labour Court either under the Industrial Disputes Act or any State Act for not less than seven years."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3, lines 30 and 31—

omit "for a continuous period of not less than two years".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3—

after line 34, *add*:

"(c) he is qualified for appointment as a judge of a High Court."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3—

after line 34, *add*:

"Provided that any person appointed to and continuing in any Industrial Tribunal notified under section 7 of the Industrial Disputes Act, 1947 (14 of 1947) shall be eligible to be appointed to any Industrial Tribunal constituted under this Act."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3, line 29—

after "High Court" *insert*:

"or District Court or is qualified for appointment."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3—

for lines 30 to 34, *substitute*:

"(b) he has been holding the office of a member of the Tribunal immediately before the commencement of the Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3—

for lines 29 to 34, *substitute*:

"(a) he has held any judicial office in India for not less than 10 years; or

(b) he is or has been or is qualified to become a High Court Judge; or

(c) he is holding or has held the office of a member of a Tribunal for a period of not less than one year immediately before the commencement of the Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956."

The motion was negatived.

Mr. Deputy-Speaker: The Question is:

Page 3—

Omit lines 35 to 37.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4, line 8—

add at the end:

"or District Judge of ten years standing."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4—

Omit lines 9 to 11.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

That in the amendment proposed by Shri Kandubhai K. Desai, printed as No. 5 in List No. 1 of Amendments—

after the proposed sub-clause (b), *add*:

"(c) he is employed as a member of an Industrial Tribunal or as the presiding officer of a Labour Court at the time of the commencement of this Act."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4, line 16—

for "sixty-five" *substitute* "fifty-five".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3—

for lines 29 to 34, *substitute*:

"(a) he is or has been a Judge of a High Court; or

(b) he is holding or has held the office of a member of a Tribunal for a period of not less than two years; and

(c) he has held any judicial office in India for a period of not less than ten years and is holding or has held the office of a member of the Tribunal for a period of not less than one year."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

That in the amendment proposed by Shri Khandubhai K. Desai, printed as No. 6 in List No. 1 of Amendments—

for "two years" *substitute* "one year".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Mr. Deputy-Speaker: Now we shall go to clause 5.

Shrimati Renu Chakravartty: Before we proceed further, may I request that a specific time may be allotted for dealing with clauses 6, 13 and 22 because they are very important?

Mr. Deputy-Speaker: Hon. Members should help me to do that.

Shri Nambiar: Clauses 6, 13 and 22 are controversial and a specific time may be allotted for them. Within the rest of the time, the other clauses may be disposed of.

Mr. Deputy-Speaker: Will one hour do for clauses 6, 13 and 22?

Shri Nambiar: Clause 22 is very important which itself may require one hour. These clauses may be allotted 1½ hours. All the rest is formal.

Mr. Deputy-Speaker: Is it agreed that for clauses 6, 13 and 22 we have 1½ hours and the others will be disposed of within the rest of the time?

Shri Nambiar: Yes.

Mr. Deputy-Speaker: I was asking the House, but the hon. Member who has made the proposal himself says 'yes'.

Shrimati Renu Chakravartty: There is no opposition.

Dr. S. N. Sinha (Saran East): One hour will be sufficient.

Shrimati Renu Chakravartty: How does he know about these things?

Pandit Thakur Das Bhargava: Let it be 1½ hours.

Mr. Deputy-Speaker: As there is no objection, these three clauses will be allotted 1½ hours.

Clause 5—(Substitution of new sections *for* sections 8 *and* 9)

Pandit Thakur Das Bhargava: I beg to move:

Page 4— line 29—

add at the end:

"or such other stage as the presiding officer or the Chairman or any other member of Board or Court *suo moto* or at the instance of the parties considers it proper to begin."

I am not moving my amendment No. 90 in view of the statement made by the hon. Minister about assessors. As regards amendment No. 89 also, from the wording which we have got already in clause 5, it is not absolutely essential. The word 'may' is used, and the word 'may' is capable of being interpreted in this way, that even now the presiding officer of a court has got discretion to take up the case from any stage. But usually we find that in such cases, after the law is enacted, the courts are bound to take it from the stage from which the presiding officer was not present, and if he has succeeded another, he will generally take it up from the stage in which his predecessor left it. But, as a matter of fact, the principle is quite clear, that if he wants it, or where any of the parties want it, it is but proper that he may be able to take it up from any stage he chooses. It may be that many of the witnesses have been examined and he did not have the benefit of hearing all those witnesses. If he takes it up from the stage when he comes up, I do not think it will be a wise course.

Even under the Criminal Procedure Code, we have got section 350 under which the Judge is at liberty to recommence the trial if he succeeds another. Here though the word 'may' is there, I am afraid it may be used as having the implication of 'shall'.

So I want to make it absolutely clear by saying:

"or such other stage as the presiding officer or the Chairman or any other member of Board or Court *suo moto* or at the instance of the parties considers it proper to begin."

Shri Khandubhai Desai: Naturally, when a vacancy occurs, the succeeding Judge or presiding officer will take the proceedings from the stage at which he has been appointed. I am not able to appreciate the point made by the hon. Member.

Pandit Thakur Das Bhagava: With your permission, I will repeat it. Suppose in a case in a court ten witnesses have been examined. Then a new presiding officer succeeds the existing presiding officer. Will the new presiding officer be able to say: "I want to hear all the evidence. I want it to be begun from the initial stage. All proceedings should commence afresh". This is the present law so far as criminal courts are concerned. Of course, even now, as the words stand, you have not taken away the discretion. That is so far as the words go. Even now, a presiding officer may order that the proceedings should begin anew. But I understand that the tendency, as the hon. Minister himself has been pleased to point, is that if a person succeeds another, he will take it up from the point at which it was left by his predecessor. But the court should have the power to decide whether to start it afresh or not, if the court itself feels that it should be started afresh or if the parties request the court so to do and the court agrees with the requests. It is not that the court will always be guided by the request of the party for such a course. The court should be able to decide in such a case, 'I am not submitting that in every case, the party should be able to prolong the proceedings'. In any case, the decision should rest with the court. I only want that this should be made absolutely clear.

Shri Khandubhai Desai: The court has been given discretion under this section to take it up *de novo*. It is there. I do not think any further improvement is necessary.

Pandit Thakur Das Bhargava: That is all right. I only wanted an assurance to that effect.

Mr. Deputy-Speaker: The question is:

Page 4, line 29—

add at the end:

"or such other stage as the presiding officer or the Chairman or any other member of the Board or Court *suo moto* or at the instance of the parties considers it proper to begin."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6—(*Insertion of new Chapter IIA*)

Mr. Deputy-Speaker: I think we shall have to take the three clauses separately. If so, shall we divide the time among these clauses, half an hour each?

Pandit Thakur Das Bhargava: Fifteen to twenty minutes will do for this; the other clauses are much more contentious.

Mr. Deputy-Speaker: The amendments to clause 6, notice of which has been given, are 8, 9, 119, 11, 12, 13, 138, 54, 55, 56, 62 and 93 and 94. All these amendments have been indicated by Members to be moved.

Shri Khandubhai Desai: I beg to move:

(i) Page 5—

for lines 15 to 18, *substitute*:

"9A. No employer, who proposes to effect any change in the conditions of service applicable to any workman in respect of any

[Shri Khandubhai Desai]

matter specified in the Fourth Schedule, shall effect such change,—".

(ii) Page 5, line 19—

for "concerned in" *substitute* "likely to be affected by".

(iii) Page 5—

for lines 23 and 24, *substitute*:

"Provided that no notice shall be required for effecting any such change—

(a) where the change is effected in pursuance of any settlement, award or decision of the Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950; or

(b) where the workmen likely to be affected by the".

(iv) Page 5, line 42—

after "shall not" *insert* "apply or shall apply".

(v) Page 6, line 1,—

omit "apply".

Shri Nambiar: I beg to move:

Page 5, lines 30 to 33—

omit "or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate Government in the Official Gazette."

Shri Tushar Chatterjea: I beg to move:

(i) Page 5, line 19—

after "workman" *insert* "and also to the registered union or unions".

(ii) Page 5, line 21—

for "or" *substitute* "and".

(iii) Page 5,—

for lines 23 to 33, *substitute*:

"Provided that if in any case there are in operation any better rules for change, then such rules shall continue to operate."

Shri Raja Ram Shastri: I beg to move:

Page 5—

for lines 23 to 33, *substitute*:

"Provided that any such changes are stayed when a dispute is raised and provided that any workmen who feel prejudicially affected by such change may prefer their objections before the appropriate tribunal for the cancellation or modification of the change proposed in the conditions of service not later than 60 days from the date of notice of such change. Again notice of change shall also be given in case of the transfer of a workman from one department to another department or from one establishment to another establishment of the same industry."

Pandit Thakur Das Bhargava: I beg to move:

Page 5, lines 37 and 38—

for "employers" *substitute* "employees".

Thakur Jugal Kishore Sinha: My amendment No. 119 is the same as No. 55 moved by Shri Tushar Chatterjea.

Mr. Deputy-Speaker: These amendments are before the House.

Shri Tushar Chatterjea: I should like to say just a few words about amendments Nos. 54, 55 and 56. Notice of change is no doubt a welcome provision in this Bill. But, even after providing this notice of change there are 3 very dangerous loopholes in this matter which I would like to point out and for which my amendments suggest some remedies. The main thing is: it is said that 21 days' notice is to be given. But, after (a), the word 'or' negates the whole importance of the 21 days' notice. Retention of the word 'or' means that in some cases where some other manner of notice is provided in the terms of the agreement or some such thing,

this 21 days' notice is not necessary. Therefore, I have suggested the substitution of 'and' for 'or'.

Secondly, I have suggested that notice should be given not only to the workmen concerned but also to the registered union or unions concerned, because matters about which notice of change is to be given are such that require collective consideration by the workers. Change of wages, accumulation of provident fund, hours of work and such other matters are to be considered not only by the individual workmen but also by their unions collectively. Therefore, I think, there is no harm in providing for notice being given to the registered union or unions also.

Thirdly, there is a proviso here which says that in certain cases no notice need be given. When a very important benefit has been provided for the workers, I cannot understand why a section of them is being deprived of that benefit. I want to change that proviso. In the Consultative Committee, I remember, the Labour Minister said that in many cases the rules governing the employees referred to in this proviso are better than the present 'notice of change'. I do not know whether there is any better provision or not. If that is so, then, why not change it in this way?

> "Provided that if in any case there are in operation any better rules for change, then such rules shall continue to operate."

If this amendment is accepted, a very reasonable stand can be taken.

I, therefore, suggest that these three amendments be accepted.

Pandit Thakur Das Bhargava: In regard to amendments Nos. 93 and 94, I have to submit that you have only to read them to see that unless these amendments are accepted, clause 9 will be meaningless. 9B reads:

> "Where the appropriate Government is of opinion that the application of the provisions of section 9A to any class of industrial establishments or to any class of workmen employed in any industrial establishment affect the employers...."

How can it affect the employers? I think it is a mistake in printing or something like that.

An Hon. Member: They are not going to do anything to the prejudice of the employer.

Pandit Thakur Das Bhargava: If that is so, then there is a very nice case for the employees. I should think that even though the word 'employers' is kept there, employees should also be there. If the conditions of service are changed in such a way as to affect the employers, then, I think, there is much less case for the Government to interfere. But if the Government thinks that there should be no departure in the interests of the industry, I am willing to give to Government the residuary power as in clause 13. I think this is much more a matter for judicial determination and Government should not interfere and only in very exceptional cases should Government interfere. This is with regard to amendment No. 93.

Coming to No. 94, I submit that the words which are the subject-matter of the amendment will not convey any meaning whatsoever unless this amendment is accepted. The words are:

> "...the appropriate Government may, by notification in the Official Gazette, direct that the provisions of the said section shall not, subject to such conditions as may be specified in the notification, apply to that class...."

It has got no meaning whatsoever unless you insert the words 'shall not' after the words 'or shall'. Both things must be there.

Shri Nambiar: There is a Government amendment to that effect.

Pandit Thakur Das Bhargava: If that is so, then, there is no necessity for my amendment.

Shri Abid Ali: It is a printing mistake.

Pandit Thakur Das Bhargava: The other one about employers?

Shri Abid Ali: No; no.

Pandit Thakur Das Bhargava: Then, I would respectfully beg of you to regard only amendment No. 93 as having been moved and not 94. I do not want to move it because there is already an amendment by Government.

As regards 93, I must say, after having heard the hon. Minister, that the scales are not even. If the employer's interest is to be considered and not the employee's interest, then, I should think, it is a state of things which we should not tolerate. I would like the word 'employee' to be there instead of the word 'employer'. I would request the Government to put the word 'employee' there or to add the word 'employee' also because you cannot discriminate between the interests of both.

Shri Nambiar: Here, in considering the amendment of Shri Tushar Chatterjea, I have to go into a little detail. The hon. Minister said that they are introducing a very important and progressive clause whereby the workers will get notice of any change. They say in the Fourth Schedule what the important items are. All the items such as wages, provident fund, hours of work, leave with wages and holidays, which affect the worker are included in this Schedule. This is very important legislation especially in this period. But while saying so, they have introduced all sorts of provisos to negate all the benefits that have accrued. In section 9B, the Government by its amendment says:

> "Where the appropriate Government is of opinion that the application of the provisions of section 9A to any class of industrial establishments or to any class of workmen employed in any industrial establishment affect employers in relation thereto so prejudicially that such application may cause serious repercussion on the industry concerned and that public interest so requires, the appropriate Government may, by notification in the Official Gazette, direct that the provisions of the said section shall not apply or shall apply subject to such conditions as may be specified in the notification....."

This means that the Government by a notification in the Gazette can remove any industry from this list. That means that the Government is the sole authority for this. What is the benefit in giving a statutory provision here in the earlier part to the effect that the worker shall get the right of notice in all cases of wages, provident fund, leave, etc.? If the Government can undo it by a simple notification in the Gazette, then it is absolute bunkum and it is cheating the worker, if I may use that word. We are making a statutory provision for giving notice, and by a stroke of the pen of the Secretary to the Government, even the State Government, the whole thing goes away. This, I think, is absurd. Let us not try to cheat the worker. If you want to give him something, do give him. But if you do not want to give him, say that you do not have the courage to give him and that you want the employer to earn more profit. In the Labour Consultative Committee, I said in a very mild and polite way that this is a sugar-coated Bill.

Now I refer to the first proviso, which is worse than the second proviso which I read out earlier. It says:

> "Provided that no such notice shall be required for effecting any such change where the workmen concerned in the change are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil Service

Regulations, Civilians in Defence Services (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate Government in the Official Gazette, apply."

All employees coming under the public sector are employed in these cases and they come under the administrative service of the Government. The railwaymen are completely excluded and 10 lakhs of them are there. All of them can be adversely affected by a simple change in the Indian Railway Establishment Code, which can be made without reference to them. Many things are being brought to my notice that everyday Government are changing the conditions of service by a simple notification in the Official Gazette; even many important changes are taking place and yet the railwaymen do not know what is happening. The Railway Board bring the changes to the notice of the General Manager and he in turn tells the workmen only when they ask for the correct position to look to such and such notification where the changes to the Establishment Code have already been made. In that way, the workmen have no idea of the sorts of changes that are taking place every day in their service conditions. Here, it is being legalised now that the railwaymen will be excluded from the operation of this Act, although they belong to one of the most important industries in the country. This is bad. Again, the worse thing is that there is an overriding clause that Government by a notification can remove any industry from this list. In that case, what is the use of this measure? The railwaymen are not to benefit by this; nor can the P. & T. workers; nor can all the services mentioned in this clause. May I ask, for whom are you providing here?. I may be permitted to say that this is nothing but cheating the worker.

I, therefore, suggest that both these provisos should be deleted and the amendment moved by us may be accepted. Otherwise let the Government here and now say that they are performing a cheat and let them also add "Unless you allow us to perform this cheat, we cannot continue".

ठाकुर युगल किशोर सिंह : मैं इस क्लाज (खण्ड) में अपना संशोधन नम्बर ११६ पेश करता हूं ।

सब से पहले मैं यह कहना चाहता हूं कि सब-क्लाज (ए) उप-खण्ड (क) के अन्त में शब्द "आर" (अथवा) से ठीक अर्थ नहीं निलकता है । अगर उस शब्द के स्थान पर शब्द "एंड" (और) रख दिया जाय, तो इस क्लाज का अर्थ सही और स्पष्ट हो जायगा । मैं समझता हूं कि इस संशोधन को मानने में किसी प्रकार की दिक्कत नहीं होनी चाहिए ।

जहां तक नोटिस (सूचना) देने का सवाल है, मैं समझता हूं कि यूनियन (संघ) को भी इस बारे में नोटिस (सूचना) दिया जाना चाहिए, नहीं तो उन वर्कर्स (श्रमिकों) की सहायता से, जिन को लायल वर्कर्स (निष्ठावान श्रमिक) कहा जाता ह—जो कि यूनियन को तोड़ने वाले वर्कर होते हैं—मालिक लोग चेंज आफ सर्विस (सेवा परिवर्तन) कर सकते हैं और इस क्लाज में दिए हुए तरीके से बच सकते हैं । कई स्थानों पर तीस पैंतीस आदमियों को बन्द लिफ़ाफ़ों में रुपया मिल जाता है और वे मालिकान का साथ देते हैं । इस लिए यह निहायत जरूरी है कि जब कभी किसी भी वर्कर की चेंज आफ सर्विस (सेवा परिवर्तन) का सवाल आए, तो यूनियन को नोटिस दिया जाय ।

माननीय सदस्य पंडित ठाकुर दास भार्गव ने यह संशोधन पेश किया है कि शब्द "एम्पलायर" (नियोक्ता) के स्थान पर शब्द "एम्पलाई" (कर्मचारी) रख दिया जाय । मालूम होता ह कि उन्होंने इस क्लाज को गौर से नहीं

[ठाकुर युगल किशोर सिंह]

पड़ा है । चेंज आफ सर्विस तो एम्पलायर की तरफ से ही होगी न कि एम्पलाई की तरफ से ।

मेरा मत है कि प्रोवाइजो (परन्तुक), जो कि क्लाज ९ए में है, की जरूरत नहीं है । इस लिए उस को हटा देना चाहिए । यहां पर सोशलिस्ट पैटरन आफ सोसायटी (समाज की समाजवादी व्यवस्था) की बात बार बार कही जाती है, लेकिन स्थिति यह है कि प्राइवेट सैक्टर (गैर सरकारी उद्योग क्षेत्र) में काम करने वालों के लिए एक कानून लागू किया जाय और पब्लिक सैक्टर (सरकारी उद्योग क्षेत्र) में काम करने वालों के लिए दूसरा कानून लागू किया जाय, तो यह कहां का न्याय होगा ?

उपाध्यक्ष महोदय : मैं देखता हूं कि माननीय सदस्य ने एक टांग ऊपर रखी हुई है । मैं उन को कहना चाहता हूं कि जब वह यहां हाउस को एड्रेस कर रहे हों, तो दोनों टांगों पर खड़ा होना जरूरी है ।

ठाकुर युगल किशोर सिंह : ९बी के बारे में मैं यह कहना चाहता हूं कि सरकार ने जो किसी भी इंडस्ट्री (उद्योग) को इस क्लाज के प्रभाव से हटाने का अख्तियार लिया है, वह नहीं रहना चाहिए । मेरी समझ में नहीं आता कि सरकार को यह अधिकार अपने हाथ में लेने का क्या फ़ायदा होगा ।

Shri Raja Ram Shastri *rose*—

उपाध्यक्ष महोदय : हाउस ने फैसला किया है कि चार बजे तक इस बहस को खतम करना है । अगर माननीय सदस्य एक दो मिनट में कुछ कहना चाहें तो वह बोल सकते हैं ।

श्री राजा राम शास्त्री : उपाध्यक्ष महोदय, मैं अपना संशोधन नम्बर ६२ पेश करता हूं । यहां पर एक विचारणीय प्रश्न यह है कि जब मालिक मजदूर को नोटिस देगा तो उस के बाद पोजीशन क्या होगी ? क्या किसी ट्रिब्यूनल के सामने वह मामला जायगा या नहीं ? कौन उस पर विचार करेगा ?

Shri Khandubhai Desai: That comes under the ordinary law then.

श्री राजा राम शास्त्री : यह जरूरी है कि अगर मालिक ने नोटिस दे दिया है और मजदूर समझता है कि नोटिस गलत है और चेंज आफ सर्विस (सेवा परिवर्तन) करने में गलती है, तो वह ट्रिब्यूनल (न्यायाधिकरण) के सामने जाय और जब तक ट्रिब्यूनल का फसला न हो जाय, तब तक उस चेंज आफ सर्विस को रोक दिया जाय । मैं ने यह संशोधन रखा है कि दो महीने में उस का फैसला हो जाना चाहिए ।

मैं अपने संशोधन के इन शब्दों की ओर खास तौर से ध्यान दिलाना चाहता हूं :

Notice of change shall also be given in case of the transfer of a workman from one department to another department or from one establishment to another establishment of the same industry.

यह अक्सर देखा गया है कि जिस वक्त कोई मालिक कारखाने में कोई चेंज करना चाहता है और ट्रेडयूनियन वर्कर उस का विरोध करते हैं, तो मालिक दूसरा ही तरीका अख्तियार करता है । वह मजदूरों को एक तरीके से सजा देता है । एक ट्रांस्फर (स्थानान्तरण) होती है काम को ठीक करने के लिए और दूसरी होती है किसी को पनिशमेंट (दण्ड) देने के लिए । मैं यह चाहता हूं कि अगर कोई मालिक किसी मजदूर को एक डिपार्टमेंट (विभाग) से दूसरे डिपार्टमेंट (विभाग) में या एक कारखाने से दूसरे कारखाने में ट्रांस्फर करता है, तो उस का भी नोटिस दिया जाना चाहिए । यह बात मैंने स्पष्ट कर दी है ।

यूनियन को नोटिस देने के बारे में जो संशोधन रखा गया है, मेरे विचार में उसका मानना निहायत जरूरी है। इस बारे में यूनियन को जरूर सूचना होनी चाहिए और इस लिए उस को भी नोटिस दिया जाना चाहिए।

Shri Khandubhai Desai: I cannot accept any of these amendments. About the question of notice of change, let us see what happens at present. At present, an employer makes any change whatever suddenly. But here, by giving a notice of change, the Government is informed by the authorities, as contemplated in the Act, that they want to make such and such change in the existing conditions. As far as Government employees are concerned, they are governed by various regulations, for example, the Railway Regulations, the Fundamental Rules, etc. Without proper consideration, no Government makes any changes all of a sudden. If any change has to be made, it is always done after proper consideration. That is not the law or the regulation or the rule as far as private employers are concerned. So, it was not necessary and therefore, we have excluded that.

4 P.M.

So far as Pandit Thakur Das Bhargava's amendment is concerned, it has already been answered by Thakur Jugal Kishore Sinha that the responsibility is only on the employer and the Government may say that a particular industry is absolved from giving the notice of change. It is more or less an emergency power which will be very rarely used.

Shri Nambiar: What is the emergency in such cases? I am only asking a clarification. The provision here is to give notice of change. After notice is given they can change or do whatever they like. Even that notice has to be exempted in an emergency. What is that extraordinary emergency? (*Interruptions.*)

Mr. Deputy-Speaker: He refuses to accept any of the amendments. He answered this point also. I shall put the amendments to the vote of the House.

The question is:

Page 5—

for lines 15 to 18, *substitute*:

"9A. No employer, who proposes to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule, shall effect such change,—".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 5, line 19—

for "concerned in" *substitute* "likely to be affected by".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 5—

for lines 23 and 24, *substitute*:

"Provided that no notice shall be required for effecting any such change—

(a) Where the change is effected in pursuance of any settlement, award or decision of the Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950; or

(b) where the workmen likely to be affected by the."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 5, line 42—

after "shall not" *insert* "apply or shall apply".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 6, line 1—

omit "apply".

The motion was adopted.

Mr. Deputy Speaker: The question is:

Page 5, line 19—

after "workmen" *insert* "and also to the registered union or unions"

The motion was negatived.

Mr. Deputy-Speaker: The Question is:

Page 5, line 21—

for "or" *substitute* "and"

The motion was negatived.

Mr. Deputy-Speaker: The Question is:

Page 5—

for lines 23 to 33, *substitute*:

"Provided that if in any case there are in operation any better rules for change, then such rules shall continue to operate."

The motion was negatived.

Mr. Deputy Speaker: The question is:

Page 5—

for lines 23 to 33, *substitute*:

"Provided that any such changes are stayed when a dispute is raised and provided that any workmen who feel prejudicially affected by such change may prefer their objections before the appropriate tribunal for the cancellation or modification of the change proposed in the conditions of service not later than 60 days from the date of notice of such change. Again notice of change shall also be given in case of the transfer of a workman from one department to another department or from one establishment to another establishment of the same industry."

The motion was negatived.

Mr. Deputy Speaker: The question is:

Page 5, lines 37 and 38—

for "employers" *substitute* "employees"

The motion was negatived.

Mr. Deputy Speaker: The question is:

Page 5, lines 30 to 33—

omit "or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate Government in the official Gazette."

The motion was negatived.

Mr. Deputy Speaker: The question is:

"That clause 6, as amended, stand part of the Bill".

The motion was adopted.

Clause 6, as amended was added to the Bill.

Clause 7 —(*Amendment of section 10*).

Shri Khandubhai Desai: I beg to move:

(i) Page 7, line 35—

omit "section 17A"

(ii) Page 7, line 36—

after "section 33B to" *insert* "the"

(iii) Page 7, line 37—

omit "in respect of the National tribunal"

(iv) Page 7, line 42—

before "appropriate" *add* "the"

(v) Page 7, lines 42 and 43—

omit "in respect of the National Tribunal"

(vi) Page 7, line 36—

for "and section 33B" *substitute*: "section 33B and section 36A"

Thakur Jugal Kishore Sinha: I beg to move:

(i) Page 6—

for lines 5 to 24, *substitute*:

'(a) for sub-section (1), the following sub-section shall be substituted, namely:

"(1) Where any dispute exists or is apprehended any party to an industrial dispute can refer the dispute to the Tribunal or Labour Court for adjudication."'

(ii) Page 6—

for lines 41 to 43, *substitute*:

'(c) sub-section (2) shall be omitted;

(cc) in sub-section (3), for the words "or Tribunal", the words "Labour Court, Tribunal or National Tribunal" shall be substituted;'

(iii) Page 7—

for lines 1 to 6, *substitute*:

"(d) sub-section (4) shall be omitted;"

(iv) Page 7, line 9—

add at the end:

'and the word "making" shall be omitted.'

Shri Tushar Chatterjea: I beg to move:

(i) Page 6—

after line 24, *add*:

(iii) after the proviso the following further proviso shall be added namely:

"provided also that the aggrieved party may refer any dispute directly to the Labour Court or Tribunal, as the case may be, and in such case no reference by appropriate Government will be necessary."

(ii) Page 7—

after line 44, *add*:

"(8) Notwithstanding anything contained in the preceeding sections, if any fresh dispute arises during the pendency of the case before the Labour Court, Tribunal or National Tribunal, as the case may be, the aggrieved party can directly refer the dispute to the said Labour Court, Tribunal or National Tribunal."

Mr. Deputy-Speaker: The amendments are before the House.

Shri Raja Ram Shastri: My amendment No. is 63.

Mr. Deputy-Speaker: It is for the insertion of a new clause 7A. That will be taken up later, after this clause is passed.

Shri Tushar Chatterjea: My amendments are Nos. 120 and 121. I will mention just two points. The question of a worker's right to refer a dispute directly to the tribunal has been discussed at length during the course of the general discussion. I do not want to repeat all that. In my amendment I have not sought to handicap the Government's responsibility to refer a matter to the tribunal. I have only said that along with that the worker also should have a right to refer a matter to the tribunal. What happens without that right? The Minister said many things. From my own experience I find that Government does not stir unless and until the labour trouble becomes acute.

I know one particular case in which the union moved the Government as long back as February 1955 and as yet no reference to the tribunal has been made. Such things happen. In these circumstances, why should we not give the worker also the right to refer the matter directly to the tribunal?

By my amendment No. 121 , I want to give the right of the workers to refer a matter of fresh dispute to the tribunal, pending the decision of the tribunal on an earlier dispute. It is very necessary. A dispute is referred to the tribunal. During its pendency, fresh disputes arise and as it is, the workers do not find any remedy.

Lastly, what happens when the Government retains the right to refer the matter to the tribunal? On many vital issues Government does not refer the matter to the tribunal. Bonus was a very vital issue in the case of jute industry but it was left out of the terms of reference to the tribunal. If the worker retains the right, I think many of the complications can be avoided and many of the disputes can be resolved.

Shrimati Renu Chakravartty: I very strongly support the amendments Nos. 120 and 121. The hon. Minister has stated that it is no problem at all and that whenever any dispute is referred to the Government, it is, more or less automatically, sent up to the tribunal. That is not the case. In our State, I can quote example after example where for months and years,

[Shrimati Renu Chakravartty]

a reference is not made to the tribunal. There is already the question of bonus which was referred to by my hon. friend. It was left out of the terms of reference. I can quote the instance of the United Iron and Steel Workers Union. We have been going to the Government again and again but the disputes were not referred to the tribunal. When there is a dispute and when we are setting up labour courts and industrial tribunals, I see no reason why the worker should not be given the right to place his case before the tribunal and get its verdict. Some sort of screening by the Government is something which can be visualised but we must give the right also to the worker to go directly to the tribunals. We feel these two amendments should be acceptable to the House. Otherwise, much of what is being given to the worker by this amendment will be taken away.

ठाकुर बुधल किशोर सिंह : मैं ६८ नम्बर का एमेंडमेंट (संशोधन) पेश करता हूं । मेरा अपना तजुर्बा है, सैन्ट्रल गवर्नमेंट (केन्द्रीय सरकार) का जो भी हो, कि अगर स्टेट गवर्नमेंट्स (राज्य सरकार) के फिगर्स (आंकड़े) देखे जायें तो मालूम होगा कि बहुत कम इंडस्ट्रियल डिस्प्यूट्स (औद्योगिक विवाद) का रिफरेंस (निदेश) ट्राइब्यूनल (न्यायाधिकरण) के सामने होता है । अभी जैसा बताया गया कि कंसिलिएशन प्रोसीडिंग्स (समझौते की कार्यवाही) में बहुत सी डिस्प्यूट्स सेटल (निबटारा) हुई, उस के सम्बन्ध में मैं न पहले भी कहा था और आज भी पूछता हूं कि जितनी डिस्प्यूट्स थीं उन में से कितनी बाकी रह गई । जब तक इस का पता नहीं लगेगा तब तक यह कहना कि हम ने इतनी डिस्प्यूट्स सेट्ल कर दीं, यह कोई माने नहीं रखता । अगर दस डिस्प्यूट्स होती हैं तो दो को तय कर देते हैं, बाकी को छोड़ देते हैं । इसी तरह से अगर दस डिस्प्यूट्स ट्राइब्यूनल के सामने जाने के लिये होती हैं तो दो उस के सामने भेज देते हैं और बाकी की आठ यों ही पड़ी रह जाती हैं । वहां पर यूनियन के संगठित होने की बात कही जाती है और कहा जाता है कि उस के अन्दर एकता कायम होना बहुत जरूरी है । एक चीज को जब आप तसलीम कर रहे हैं तो उन का हक भी तो देना चाहिये कि वह जज के सामने जा सकें और वहां से फैसला करा सकें । जब आप को अधिकार है कि आप उस के फैसले को नामंजूर कर दें या संशोधित कर दें, या जो चाहें कर दें तो उन को वहां तक जाने देने में आप को हिचकिचाहट क्यों है ? आप को वर्कर को सीधे ट्राइब्यूनल के सामने जाने का अधिकार देना चाहिए ।

Shri T. B. Vittal Rao: I will cite the instance of the industrial tribunal for the colliery disputes. This dispute was referred to it as long ago as February 1954. It was very unfortunate that after one year one of the judges had to resign and the tribunal had to be reconstituted and the award was given only this year, in May. During the pendency of this dispute—27 months—there are several other disputes and we cannot go to the Government for another reference. If the workers are given this right, during the pendency of the dispute for such a long time they would be able to take the fresh disputes the same tribunal. I think, if this amendment No. 121 is accepted it will go a long way to remove the grievances of the workers, it will minimise the industrial disputes and industrial peace can be restored to a great extent.

Shri Venkataraman: Mr. Deputy Speaker, I am afraid this amendment has been moved without any consideration to the practicability of the question. In any industry, if there are 400,000 workers and if each one of them is given an option to take any matter to an industrial court, life would become impossible.

Then, it may be said that we can entrust this power of seeking reference to courts to registered trade unions. You know, Sir, under the trade union law any seven persons can get themselves registered. If for the purpose of referring disputes the whole industry gets itself registered in 100 or 200 units of seven persons each.....

Some Hon. Members: How is it possible? Is it possible in this world?

Shri Venkataraman: I want you as good men, realistic people in trade union movement, to just answer me this question: how it is possible if you say that any registered trade union can take a matter to a court. It is impracticable. Then, naturally, every seven persons will join together and register themselves as a trade union. There will be 200 or more trade unions in a small industry and 200 or more disputes.

Shri Nambiar: First allow recognition of trade unions.

Shri Venkataraman: I will meet that point. I have dealt with the case relating to individuals and I have dealt with the point about registered unions also. Here there is nothing mentioned about recognised unions. Even if you take the question of recognition to unions, dispute will arise about the percentage of membership required and all that. There is one thing which I would like to say. There are certain governments, I agree, who do not have a broad vision about reference of a dispute to a Tribunal. In that case my friends have got representatives in the State Legislatures and they can bombard them and bring their grievances to their notice.

Shri T. B. Vittal Rao: We are in a minority. What can be done?

Shri Venkataraman: Therefore, what I say is, you cannot cut your nose to spite the face. The remedy suggested is worse than the disease itself; that is what I wanted to say.

Shri Khandubhai Desai: Sir, those who have suggested this amendment—as Shri Venkataraman has already said—do not see the situation in a realistic way. It is assumed that as far as reference of disputes to arbitration is concerned, it is only a matter between the management and the employees. There is always a third party which they ignore and that is the community as a whole which has also to exercise its opinion. Therefore, the Government as representatives of the community and responsible to the Parliament should have discretion whether to refer a disputes to adjudication or not.

Then there is one other thing which I would like to place before this House and that is this. If such a latitude is given to anybody and everybody to go to adjudication, then all the good speeches that were made in the House during the last two days will be made null and void. Everybody says that there must be a good understanding created between the management and workers. With a view to bring about that situation we have provided in this Bill mutual agreements and arbitration awards to be given legal sanction. If the amendment suggested is accepted then that arbitration and mutual agreement clause, which we have already put in the Bill, would have absolutely no value as everybody will go to the court. As Shri Venkataraman pointed cut, it will create chaos and there will be un-ending litigations. Instead of assuring industrial peace, there will be nothing but industrial tension and industrial disturbance.

As Shri Venkatarman has already pointed out, it is likely that there may be dissatisfaction in some States with regard to the question of matters being referred to the Tribunal. We will look into that. Generally, there is absolutely no discrimination shown against one organisation or the other. Those figures I have already placed before the House and our idea is, as far as possible there should be mutual agreements. Why do you go to the Government for referring a dispute to adjudication? It is only because you are not able to agree on some point.

[Shri Khandubhai Desai]

If the dispute is not referred to arbitration or adjudication, there is that right to stop work. The right to strike has not been taken away under any circumstances. If a dispute does not go to adjudication you can justly go on strike. That is the last resort you have got.

Shri Nambiar: Then the Second Five Year Plan is there.

Shri Khandubhai Desai: Now the Plan comes in.

Shri Sreekantan Nair: What about proceedings before a Tribunal?

Shri Khandubhai Desai: If in the course of the proceedings before a Tribunal on a particular matter under dispute some other disputes arise, we have got occasions where we have even referred those interim disputes also to adjudication. It is not that any dispute which arises when another dispute relating to that industry is before a Tribunal is stopped from being referred to adjudication. It can also go to the same adjudication machinery or some other Tribunal. I believe, therefore, that this amendment now suggested will miss the purpose we have got in view and I would therefore, humbly request the hon. Members not to press their amendments.

Mr. Deputy-Speaker: The question is:

Page 7, line 35—

omit "section 17A"

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 7, line 36—

after "section 33B to" insert "the"

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 7, line 37—

omit "in respect of the National Tribunal"

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 7, line 42,—

before "appropriate" *add* "the"

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 7, lines 42 and 43—

omit "in respect of the National Tribunal"

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 7, line 36—

for "and section 33B" *substitute*: "section 33B and section 36A"

The motion was adopted.

Mr. Deputy-Speaker: The question is:

for lines 5 to 24, *substitute*:

'(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Where any disputes exists or is apprehended any party to an industrial dispute can refer the dispute to the Tribunal or Labour Court for adjudication."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 6—

for lines 41 to 43, *substitute*:

'(c) sub-section (2) shall be omitted;

(cc) in sub-section (3), for the words "or Tribunal", the words "Labour Court, Tribunal or National Tribunal" shall be substituted;'

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 7—

for lines 1 to 6, *substitute*:

"(d) sub-section (4) shall be omitted;"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 7, line 9—

add at the end:

'and the word "making" shall be omitted.'

The motion was negatived.

Mr. Deputy-Speaker. The question is:

Page 6—

after line 24, *add*:

(iii) after the proviso the following further proviso shall be added namely:—

"Provided also that the aggrieved party may refer any dispute directly to the Labour Court or Tribunal as the case may be, and in such case no reference by appropriate Government will be necessary."

The motion was negatived.

Mr. Deputy-Speaker: The Question is:

Page 7—

after line 44, *add*:

"(8) Notwithstanding anything contained in the preceding sections, if any fresh dispute arise during the pendency of the case before the Labour Court, Tribunal or National Tribunal, as the case may be, the aggrieved party can directly refer the dispute to the said Labour Court, Tribunal or National Tribunal."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 7, as amended, stand part of the Bill."

The motion was negatived.

Clause 7, as amended, was added to the Bill.

श्री राजा राम शास्त्री : चूंकि इस मसले पर काफी बहस हो चुकी इसलिए मैं सिर्फ यही कहना चाहता हूं कि जो लोग लेबर (मजदूरों) के फील्ड (क्षेत्र) में काम करते हैं उनको तजर्बा है कि अगर गवर्नमेंट को यह पावर दे दी जाये तो मजदूरों को कितनी कठिनाई होती है। वेंकटरामन साहब ने कहा कि अगर मजदूरों को अदालत में जाने का हक दे दिया जायेगा तो अदालतों में भीड़ लग जायेगी। इस सम्बन्ध में मैं गवर्नमेंट का ध्यान इस ओर दिलाना चाहता हूं कि इस बारे में आई० एन० टी० यू० सी० (भारतीय राष्ट्रीय कार्मिक संघ कांग्रेस) की क्या राय है क्योंकि गवर्नमेंट आई० एन० टी० यू० सी० की बड़ी समर्थक है इसलिए मैं इस ओर विशेष रूप से उसका ध्यान दिलाना चाहता हूं। मुझे इस बारे में ज्यादा बहस नहीं करनी है। उनके एन्युअल नम्बर (वार्षिक अंक) में कहा गया है :

"It is the opinion of those experts who have visited our country from abroad that this makes the government autocrat."

गवर्नमेंट को पावर दिये जाने के बारे में आई० एन० टी० यू० सी० का क्या कहना है, इस तरफ मैं खास तौर से गवर्नमेंट का ध्यान दिलाना चाहता हूं :

"It is the opinion of those experts who have visited our country from abroad that this makes the government autocrat. The executive make or mar the union on this issue. To a certain extent this impression is correct. It has also been noticed that whenever workers have put up their demands, the appropriate government have referred to adjudication only some of the demands and not all the demands as put forward by the workers. The workers are not given reason for not referring their demands. Thus it will be seen that the executive is whole and sole judge for not referring the disputes."

मेरी शिकायत यह नहीं कि सरकार आई० एन० टी० यू० सी० को ज्यादा फेवर (पक्ष लेना) करती है और दूसरी यूनियन्स (संघ) को कम फेवर करती है। जो लोग भी लेबर (श्रम) के फील्ड (क्षेत्र) में काम करते हैं उनको यह शिकायत है कि जब कोई वर्कर (श्रमिक) निकाल दिया जाता है और रेफेरेंस (निर्देश) नहीं होता तो बहुत ज्यादा असंतोष होता है। इसलिए मैं चाहता हूं कि वर्कर्स को यह हक होना चाहिए। गवर्नमेंट को वर्कर (श्रमिक) और एम्पलायर (नियोक्ता) के बीच में दखल नहीं देना चाहिये। अगर मजदूर और मालिक के बीच झगड़ा है तो उस को उसे अदालत द्वारा फैसला कराने का अधिकार होना चाहिये। मिनिस्टर साहब ने कहा कि ऐसी हालत में हड़ताल की जाये। लेकिन यह तो उल्टी बात है। अभी तक तो उनको शिकायत यह थी कि हम लोग हड़ताल करते हैं पर सरकार चाहती थी कि झगड़े को अदालत में ले जाया जाये। अब जब हम चाहते हैं कि झगड़ों को अदालत में ले जायें तो गवर्नमेंट चाहती है कि हड़ताल कर दो। अगर हम हड़ताल करते हैं तो हम से कहा जाता है कि तुम देश के दुश्मन हो। मैं समझता हूं कि हड़तालों को रोकने का सब से अच्छा तरीका यही है कि मजदूरों को अधिकार हो कि वे अदालत के जरिये अपनी शिकायतों को फैसला करा लें। इसीलिए मैं इस अमेंडमेंट को प्रेस करता हूं।

I beg to move:

Page 7—

after line 44, *insert*:

"7A. *Insertion of new section* 10A.—After section 10 of the principal Act, the following section shall be inserted, namely:

'10A. Where conciliation by Government Conciliation Officer or by a Board of Conciliation fails, the workman shall have the right to approach the Industrial Tribunal or the National Tribunal as the case may be, directly for adjudication without the intervention of the appropriate Government'."

Shri Khandubhai Desai: I have nothing more to add to what I said on the last amendments. As far as conciliation proceedings are concerned, we take the report of the Chief Labour Commissioner as well as the reports of the Conciliation Officers into consideration. On those reports we take our decision whether a particular question is to be referred to adjudication or not.

As far as individual cases are concerned, I would like the House to appreciate that regarding the application or otherwise of the standing orders, the worker can himself go directly to the labour court even now, and he will be able to go to the labour court under this new law also. Therefore, I think it is not possible for me to accept the amendment.

Mr. Deputy-Speaker: The question is:

Page 7—

after line 44, insert:

"7A. *Insertion of new section* 10A.—After section 10 of the principal Act, the following section shall be inserted, namely:

'10A. Where conciliation by Government Conciliation Officer or by a Board of Conciliation fails, the workman shall have the right to approach the Industrial Tribunal or the National Tribunal as the case may be, directly for adjudication without the intervention of the appropriate Government'."

The motion was negatived.

Mr. Deputy-Speaker: If the House agrees, we might take clauses 8 to 11 together.

Pandit Thakur Das Bhargava: I have no objection.

Mr. Deputy-Speaker: We will take clauses 8 to 11 together.

Pandit Thakur Das Bhargava: I beg to move:

Page 8—

(i) lines 5 to 7, *omit*:

"before the dispute has been referred under section 10 to a Labour Court or Tribunal or National Tribunal"; and

(ii) *after* line 12, *add*:

"(b) In case such a written agreement is arrived at after the dispute has been referred under section 10 to a Labour Court or Tribunal or National Tribunal and presented to such Court or Tribunal, the said Court or Tribunal shall stay the proceedings and forward the agreement to the appropriate State or Central Government as the case may be for subsequent proceedings in accordance with the provisions of this section."

Thakur Jugal Kishore Sinha: I beg to move:

Page 8—

lines 7 and 8 *omit*:
"by a written agreement"

Shri Raja Ram Shastri: I beg to move:

Page 8, line 14—

for "parties" *substitute*:

"the management on the one hand and the recognised trade union of the workers concerned on the other"

Pandit Thakur Das Bhargava: I beg to move:

Page 8, lines 32 to 34—

for "as the arbitrator or other authority concerned may think fit" *substitute* "as may be prescribed".

(ii) Page 9—

omit lines 12 to 18.

(iii) Page 9—

for lines 12 to 18, *substitute*:

"(e) sub-section (5) shall be omitted".

(iv) Page 9—

for lines 12 to 18, *substitute*:

'(e) the following words shall be added at the end of sub-section (5), namely:

"but the Court or Tribunal will not be bound to accept their advice and the failure to give advice and the absence of such assessors from the proceedings will not invalidate the proceedings or the decision of the Court or the Tribunal".'

(v) Page 10, line 9—

add at the end:

"or if the parties do not agree as the appropriate Government considers proper".

Mr. Deputy-Speaker: All these amendments are before the House.

पंडित ठाकुर दास भार्गव : क्लाज (खण्ड) ८ के बारे में मुझे कुछ ज्यादा अर्ज करना नहीं है। मैं आनरेबुल मिनिस्टर (माननीय मंत्री) को मुबारकबाद देता हूं कि जो उन्होंने यह फरमाया कि उनका अपनी जिन्दगी का तजुर्बा यह है कि अदालतों के फैसले के मुकाबले में जो पंचायत का फैसला होता है वह निहायत अच्छा होता है। यह उनकी सारी जिन्दगी का तजुर्बा है और यही हक सब लोगों की जिन्दगी का भी तजुर्बा है

[पंडित ठाकुर दास भार्गव]

और मैं उनको मुबारकबाद देता हूं कि वह एक ऐसी नई दफा (धारा) इस ऐक्ट (अधिनियम) के अन्दर लायें और उस सिलसिले में मेरी अर्ज यह थी कि अगर वह उसको थोड़ा क्लीयर कर देते तो बहुत बेहतर होता।

मेरा अमेंडमेंट नम्बर (संशोधन संख्या) ९५ है। मैं यह अर्ज कर रहा था कि सिविल ला में जहां आर्बिटरेशन होता है वहां वह बिला अदालत की बिसातत के हो जाता है। अगर अदालत के अन्दर कोई मामला हो तो उसके आर्बिटरेशन (मध्यस्थता) के वास्ते प्राविजन (उपबन्ध) है। चूंकि पंचायत का फैसला अदालत के फैसले से बेहतर है इसलिये मुनासिब यह है कि सिविल ला का वह कम्परैटिव प्राविजन (तुलनात्मक उपबन्ध) इस कानून में दाखिल कर दें इस कानून में ताकि ऐसी सूरतों में कहीं कोई मामला अदालत में अगर चला भी ग या हो तो फरीकेन का पंचायत में ले जाने का इकरार होते ही और आर्बिटरेशन के होते ही अदालत में वह फैसला भेज दिया जाये और जो उसके प्राविसन्स हैं उनके मुताबिक अमल हो और मुकद्दमा बंद हो जाय और खत्म हो जाय और मैं समझता हूं कि इसको मानने में मिनिस्टर महोदय को कोई आपत्ति नहीं होनी चाहिये। यह तो जो उनका लाइफ लौंग प्रिंसिपल (आजीवन सिद्धांत) रहा है मेरा अमेण्डमेंट (संशोधन) उसको अमली जामा पहनाना चाहता है और मेरे उस अमेंडमेंट को मानने में उन्हें कोई बाधा नहीं होनी चाहिये। मेरा ९५ नम्बर का अमेंडमेंट नौन कंटैशस (विवाद रहित) है और वह मंजूर किया जाये।

अब जनाब की खिदमत में मुझे फाइव (ई) के बारे में थोड़ा सा अर्ज करना है। फाइव (ई) इस तरह है :

"(5) A Court, Labour Court, Tribunal or National Tribunal may, if it so thinks fit, appoint one or more persons having special knowledge of the matter under consideration as assessor or assessors to advise it in the proceeding before it.";

मैं इसकी बाबत पहले भी ऐतराजात कर चुका हूं और उनको दुहराना नहीं चाहता। दो असेसर्स तो पहले ही ऐपांइटिंग एथारिटी (नियुक्ति प्राधिकारी) ने मुकर्रर कर रखे हैं और उनके अलावा यह दो और असेसर्स आप मुकर्रर करके क्या उनको आप आपस में लड़ाना चाहते हैं। मैं पूछना चाहता हूं कि किस की राय आप मानेंगे और किस की राय आप नहीं मानेंगे? आप चारों को आपस में लड़ा कर उनको निगेटिव करा सकते हैं और उनकी मुत्तफ़िक राय (एक मत) को तोड़ सकते हैं। आपने पहले ही दो असेसर्स मुकर्रर किये हैं और इन का मुकर्रर किया जाना गैर-जरूरी है। यह जो एक्सपर्टस (विशेषज्ञ) फाइव (ई) (५, घ) में हैं उनको बतौर गवाह के एग्जामिन (जांच) करना चाहिये और यह प्राविजन यहां से निकाल देना चाहिये क्योंकि पहले जो प्राविजन असेसर्स का है वह काफी है और डबल असेसर्स रखने की कोई जरूरत नहीं है। उनकी गवाही ली जाये और उनको जिरह मेरी नाकिस राय में दफा ५ (ई) (५–घ) नहीं रहनी चाहिये और अगर आप इसको रखना ही चाहें तो रूल्स (नियमों) में आपको प्रोवाइड (उपबन्ध) कर देना चाहिये कि इनकी क्या शक्ल होगी और इ नकी हाजिरी या अदम हाजिरी का फैसला किया जाय।

श्री राज राम शास्त्री : उपाध्यक्ष महोदय, मैं अपना १२३ नम्बर का संशोधन पेश करता हूं। मेरे संशोधन का मतलब यह है कि मालिक और मजदूर किसी तरीके

से आपस में समझौता करें । यहां पर सिर्फ पार्टीज दिया है जिस में मैंने यह जोड़ दिया है :

for "parties" substitute—

"the management on the one hand and the recognised trade union of the workers concerned on the other".

इस अमेन्डमेंट (संशोधन) के जरिये मैं चाहता हूं कि जो भी एग्रीमेंट (करार) हो वह मजदूरों और मालिकों में बाला बाला न हो बल्कि मिल-मालिकों और मजदूरों की रेकगनाइज्ड ट्रेड यूनियंस (मान्यता प्राप्त कार्मिक संघ) के बीच हो । अगर आप केवल मिल-मालिकों और मजदूरों में सीधे एग्रीमेंट की बात रक्खेंगे और ट्रेड यूनियंस को पावर नहीं देंगे तो उसका नतीजा यह होगा कि मिल-मालिक लोग अलग अलग मजदूरों से बात करेंगे और अगर वह फ़ैसला मजदूरों के संगठन को मंजूर न हुआ तो उससे बेकार में झगड़े बढ़ेंगे और इसीलिये मैंने खास तौर से इसमें "रेकगनाइज्ड ट्रेड यूनियन" यह शब्द रख दिये हैं क्योंकि यह जाहिर बात है कि जब कोई यूनियन रेकगनाइज्ड होगी तो मजदूरों पर उस यूनियन का प्रभाव होगा और मजदूर उसको मानते होंगे और इस वास्ते मैं चाहता हूं कि जो एग्रीमेंट हो वह मजदूरों के संगठन और मालिकों के बीच में होना चाहिये न कि मजदूरों और मालिकों में अलग अलग किया जाये । मैं उम्मीद करता हूं कि मिनिस्टर साहब इसके बारे में सोचेंगे और उनको इस चीज से घबड़ाना नहीं चाहिये कि अगर मजदूर यूनियंस सीधे मालिकों से एग्रीमेंट करने लगेंगीं तो इन यूनियंस का प्रभाव बढ़ जायेगा । गवर्नमेंट की तो खुद यह ख्वाहिश रही है कि ट्रेड यूनियंस की ताकत बढे लेकिन देखने में यह आता है कि ट्रेड यूनियंस की जब जब ताकत बढानेका सवाल आता है तब तब गवर्नमेंट पीछे हट जाती है । अगर गवर्नमेंट वाकई मजदूर संगठनों को मजबूत बनाना चाहती है तो उसे मेरे संशोधन को स्वीकार कर लेना चाहिये और इसका सबसे बड़ा फ़ायदा यह होगा कि मिल-मालिकों और ट्रेड यूनियंस के बीच में जो सैटिलमेंट होगा उसके मानने से इंडस्ट्रियल पीस ज्यादा अच्छे तरीके से कायम हो सकेगी ।

Shri Khandubhai Desai: Regarding the points that have been raised by Pandit Thakur Das Bhargava, I can say that even today, before the tribunal, if the parties would like to refer the question to arbitration, then, on that particular, individual issue, they do get an adjournment and go before the tribunal and get a decree. It is now happening, and it may happen in future also. What is contemplated under clause 8 is this. It has been a demand by the workers that we should enter into an agreement by which all our future disputes may be referred to arbitration. Where the awards are given on those disputes, those awards are now being given legal sanction. If a particular dispute is pending before the National Tribunal and, if, in the course of proceedings, the parties come to the conclusion that they could agree, then, of course, the case may be placed before the tribunal for passing a sort of consent award. It has happened that in many tribunals, they ask for an adjournment and say that they want to refer the case to arbitration, and then after the award of the arbitrator, it will be brought before the machinery of adjudication and then passed.

Pandit Thakur Das Bhargava: Is it the law or the practice?

Shri Khadubhai Desai: It is generally the practice, but legal sanction is not necessary. What I say is, for the particular dispute which is pending before the arbitrator, it is not necessary at all to give it a legal sanction.

Shri Sinhasan Singh (Gorakhpur Distt.—South): After passing this amendment, the difficulty may arise. The tribunal may say: "As there has been no reference to arbitration, before the dispute was referred to the Tribunal, we have no power to refer the case for decision to arbitration, and we shall decide it". That difficulty may arise. What is prevailing today may be taken away by the amendment. That is the fear. If the amendment of Shri Thakur Das Bhargava is accepted, I think there will be no difficulty and the position will remain as it was before.

Pandit Thakur Das Bhargava: Today it is not obligatory for the court to stay the proceedings. I want to make it absolutely obligatory that in case an agreement for arbitration is arrived at after the dispute has been referred to a tribunal, the court shall stay the proceedings. According to the practice which has been referred to by the hon. Minister, it is left to the discretion of the court, because there is no such law.

ठाकुर जुगल किशोर सिंह : अब तो वह होता है कि ट्राइब्यूनल के सामने कोई ऐग्रीमेंट (क़रार) ले कर जाता है कि यह ऐवार्ड (पंचाट) दिया गया गया है, तब भी केसेज चलते रह सकते हैं। उनके कहने का मतलब यह है कि अगर कोई पार्टी ट्राइब्यूनल के सामने आरबिट्रेशन (मध्यस्थ निर्णय) का नाम ले कर जाये कि हम फलां का आरबिट्रेशन मानना चाहते हैं, तो उस को फौरन मंजूर कर लिया जाय जैसे कि सिविल केसेज में होता है, और उस ऐवार्ड को सही माना जाता है।

पंडित ठाकुर दास भार्गव : आप कुछ तो ऐक्सेप्ट (स्वीकार) कीजिये, सारा अमेंडमेंट बगैर ऐक्सेप्टेंस के ही चला जा रहा है।

Mr. Deputy-Speaker: The question is:

Page 8—

(i) lines 5 to 7, *omit*:

"before the dispute has been referred under section 10 to a Labour Court or Tribunal or National Tribunal"; and

(ii) *after* line 12, *add*:

"(b) In case such a written agreement is arrived at after the dispute has been referred under section 10 to a Labour Court or Tribunal or National Tribunal and presented to such Court or Tribunal the said Court or Tribunal shall stay the proceedings and forward the agreement to the appropriate State or Central Government as the case may be for subsequent proceedings in accordance with the provisions of this section".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 8, lines 7 and 8—

omit "by a written agreement".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 8, line 14--

for "parties" *substitute*:

"the management on the one hand and the recognised trade union of the workers concerned on the other".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 8 stand part of the Bill".

The motion was adopted.
Clause 8 was added to the Bill.

Mr. Deputy-Speaker: The question is:

Page 8, lines 32 to 34—

for "as the arbitrator or other authority concerned may think fit" *substitute* "as may be prescribed".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 9—

omit lines 12 to 18.

The motion was negatived

Mr. Deputy-Speaker: The question is:

Page 9—

for lines 12 to 18 *substitute*:

"(e) sub-section 5 shall be omitted".

The motion was negatived.

Mr. Deputy-Speaker:. The question is:

Page 9—

for lines 12 to 18 *substitute*:

'(e) the following words shall be added at the end of sub-section (5), namely:

"but the Court or Tribunal will not be bound to accept their advice and the failure to give advice and the absence of such assessors from the proceedings will not invalidate the proceedings or the decision of the Court or the Tribunal".'

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 9 stand part of the Bill".

The motion was adopted.

clause 9 was added to the Bill.

Mr. Deputy-Speaker: The question is:

Page 10, line 9—

add at the end:

"or if the parties do not agree as the appropriate Government considers proper".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 10 stand part of the Bill".

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11 was added to the Bill.

Clauses 12 and 13

Mr. Deputy-Speaker: If the House agrees, we may take up clauses 12 and 13 together.

Shri Nambiar:. We may dispose of clause 12 first.

Mr. Deputy-Speaker: Amendment No. 23 of the Government seeks to add something as part of clause 12 and this amendment is to clause 13. Therefore, necessarily we shall have to take them together.

The amendments which have been indicated by Members to be moved are: Amendments Nos. 20, 21, 22, 101, 124 (same as 101), 125 and 126 to clause 12 and amendment No. 23 to clause 13.

Shri Khandubhai Desai: I beg to move:

(i) Page 10, line 13—

for "and section 17" *substitute* "section 17 and section 17A"

(ii) Page 10—

for lines 30 and 31, *substitute*:

"17(1) Every report of a Board or Court together with any minute of dissent recorded therewith, every arbitration award and every award of a Labour"

(iii) Page 10, line 34—

for "it" *substitute*:

"the appropriate Government"

Shri Tushar Chatterjea: I beg to move:

Page 10, lines 17 and 18—

for "as soon as it is practicable on the conclusion thereof"

substitute "within two months"

Shri Raja Ram Shastri: My amendment No. 124 is the same as 101 moved by Shri Tushar Chatterjea just now.

Thakur Jugal Kishore Sinha: I beg to move:

Page 10, line 32—

after "National Tribunal" *insert*:

"shall be made available to parties without cost immediately after it is signed and"

Shri Kandubhai Desai: I beg to move:

Page 10—

after line 39, *add*:

"(3) In the event of the award being made on mistaken facts or made capriciously the respective High Courts having jurisdiction over the dispute or the Supreme Court can go into the complaint. But in such appeals the High Court and the Supreme Court should follow the inexpensive, normal procedure followed by the Labour Courts and Tribunals; and where the employer is the appellant, all the cost of the workmen's side should be met by the employer".

Shri Khandubhai Desai: I beg to move:

Page 11—

for lines 1 to 19, *substitute*:

"17A—*Commencement of the Award*

(1) An award (including an arbitration award) shall become enforceable on the expiry of thirty days from the date of its publication under section 17:

Provided that—

(a) if the appropriate Government is of opinion, in any case where the award has been given by a Labour Court or Tribunal in relation to an industrial dispute to which it is a party; or

(b) if the Central Government is of opinion, in any case where the award has been given by National Tribunal:

that it will be inexpedient on public grounds affecting national economy or social justice to give effect to the whole or any part of the award, the appropriate Government, or as the case may be, the Central Government may, by notification in the Official Gazette, declare that the award shall not become enforceable on the expiry of the said period of thirty days.

(2) where any declaration has been made in relation to an award under the proviso to sub-section (1), the appropriate Government or the Central Government may, within ninety days from the date of publication of the award under section 17, make an order rejecting or modifying the award, and shall, on the first available opportunity, lay the award together with a copy of the order before the Legislature of the State, if the order has been made by a State Government, or before Parliament, if the order has been made by the Central Government.

(3) where any award as rejected or modified by an order made under sub-section (2) is laid before the Legislature of a State or before Parliament, such award shall become enforceable on the expiry of fifteen days from the date on which it is so laid; and where no order under sub-section (2) is made in pursuance of a declaration under the proviso to sub-section (1), the award shall become enforeable on the expiry of the period of ninety days referred to in sub-section (2).

(4) Subject to the provisions of sub-section (1) and sub-section (3) regarding the enforeability of an award, the award shall come into operation with effect from such date as may be specified, therein, but where no date is specified, it shall come into operation on the date when the award becomes enforeable under sub-section (1) or sub-section (3), as the case may be."

Mr. Deputy-Speaker: These amendments are before the House.

Shri Nambiar: I want to submit that clause 13 has been completely changed by another amendment No. 23. It is a long amendment and I do not want to read it. Here distinction is made between awards in respect of cases in which Government is a party and those in which private persons are parties. An analysis of the clause will make the position clear. At the first stage they say,

> "An award shall become enforceable on the expiry of thirty days from the date of its publication under section 17."

Then comes the proviso that in cases where the Government—either Central or State—is a party, the Government has the right to amend or modify the award within ninety days and the award will become enforceable as amended or modified. At the first instance, the Government must explain why there should be a distinction between awards in respect of disputes where the Government is a party and other awards. At the stage of reference, the Government has always got the right to refuse. The Government is the biggest single employer in the country. There are the railways, corporations like the Indian Airlines Corporation, the Hindustan Aircraft etc., and now they have taken over the insurance business also. When the public sector gets expanded, the Government will be the biggest employer. But all the same, when there is an industrial dispute and when it is to be referred to a tribunal, the Government at the first instance has got the chance to reject it. They can also delay it and when it is referred to a tribunal, they have got the chance of choosing their own tribunal. Government are the appointing authority and they can choose the person they like.

After screening at a number of stages, as I have explained before, when the award is given, Government want to modify it. And, in modifying it, they want time up to ninety days. Why should all these things be allowed? When there is an industrial dispute of a very big magnitude in the public sector, when most of the workers support the dispute, and when the Government are compelled to refer it to a tribunal, they do so; otherwise, they reject it. Then, after choosing their own tribunal, when the award is given, Government can delay the whole process and modify the award within ninety days. They feel that when there is much compulsion they can allow the tribunal to be set up and in due course, they can bring all sorts of pressure on the worker, they can soften mind of the worker and at a later stage, modify the award nullifying the whole thing. This is exactly that happened in the case of the Bank Award. Therefore, it is very clear that Government do not like to act as a model employer. On the other hand, they want to escape from all the laws and they want to make a distinction between a private employer and the Government. How can they give a lead to the private sector, if they do like this? When the Government themselves follow such a method, naturally the private employer will do the same thing. This is a wrong principle and I object to it. I say that all awards must be accepted and enforced. We know from past history that Government never modified an award to the betterment of the worker. The modification has always been to the detriment of the worker.

Then, the question that was raised already may be raised again. They will say, "in public interest we have to do so". Now, a new phrase "social justice" has been added. What is social justice, the Government has to decide. Government has still the

[Shri Nambiar.]

monopoly to decide what is in public interest. This sort of escapism or interest. This sort of escapism or differential treatment does not do well or bring credit and honour to the Government. I would request the Government not to behave like this. In the labour policy statement in the Second Five Year Plan, they say that the Government must behave as model employers. While speaking from the housetops or preaching to the whole world, they deliver very good sermons. They are the best people at that. When it is question of practice, they talk of social justice. This is not a thing which could be understood. Government must behave in a better way, in a more responsible way. The Government must know that they have to rule the people in the interests of the people. They should not behave in this way. They should behave in a better way. This distinction, this proviso should be removed. Otherwise what is said in the Second Five Year Plan on this matter may be washed away.

Shri A. M. Thomas: I admit that this is a very controversial clause. But, having given very serious thought to it, I feel that some such power should be vested in the Government.

My hon. friend Shri Nambiar was saying that this power now existing under the Act has only been used to the detriment of the workers. I think he is not quite correct. Our approach to this clause should not, I think, be clouded by the considerations of the Government's decision on the Bank Award. Icarefully went through the speech of my hon. friend Shri Venkataraman when he spoke on the general discussion. He had very hard things to say on this clause. I know of a specific instance in my State wherein the award has been modified by the Government to the workers' benefit. When the Tata oil Company, Ernakulam retrenched 45 workers, the matter was taken to the Industrial Tribunal and a decision was given in favour of the workers. Then it was taken to the appellate tribunal The Appellate Tribunal set aside the decision of the Industrial Tribunal and justified the action of the company. In that case, I had occasion to approach Shri V. V. Giri when he was the Labour Minister. He said that Tatas should be considered to be more or less model employers and that he would use his good offices to see that the workers were not retrenched. I think he did use his good offices; but that was not of any use. The Government had to intervene and they modified the award of the appellate tribunal. That was an instance. I think there have been only two or three instances of that kind.

Shri N. Sreekantan Nair: Only two cases.

Shri A. M. Thomas: In this instance, power has been exercised by the Government in favour of the workers.

Shri Nambiar: May I know whether the Government were a party to that dispute?

Shri A. M. Thomas: In the amendment.....

Shri Nambiar: Answer it.

Mr. Deputy-Speaker: Order, order. No hon. Member can insist on an answer and, certainly not by an interruption like this.

Shri V. P. Nayar (Chirayiakil): If there is misrepresentation.....

Mr. Deputy-Speaker: The hon. Member might draw the inference. That is all.

Shri A. M. Thomas: In the amendment moved by the Government, it will be found that the Government will interfere only when it is found that on public grounds affecting the national economy or social justice it would not be proper to give effect to the award. I do not think that any Government worth its name would behave callously especially after the precedent that we have got. So long as Shri Khandubhai Desai is the Labour Minister, he has devoted his whole life in the interests of labour and we need not be afraid. Any person who would be holding the portfolio of Labour whether in the

Central Government or the States would be a person who has been in the labour movement. Whether the Congress is in power or any party in the Opposition, that is what is expected. No anxiety or apprehension need be entertained in the matter of the Government taking this power. In case any modification is made, you will see that the matter has to be brought before Parliament. The House can at any time interfere. I do not think that in a matter which would be the subject matter of discussion in this House, the Government would be prepared to do anything which would smack of any injustice to labour. I support the amendment of the Govesnment.

Shri N. Sreekantan Nair: It is very strange that I have very strange bed fellows in regard to my amendment No. 126. For the first time in this House, I have now the privilege of talking along with Shri G. D. Somani and Shri Bansal, for having some sort of an appellate authority, and for allowing the High Court to be invested with this power. But, there is one difference. I maintain that only on two grounds the High Court or the Supreme Court should have authority over the awards of these tribunals under this three tier system. One is, if on mistaken facts an award is given, naturally the Supreme Court or the High Court should come in. The second is where the award is capriciously given. I have already quoted two instances. There are hundreds of instances. The other day I pointed out the instance of an appellate tribunal which was accepted by everybody to be corrupt. There is no other go except to go to a High Court. As for Government altering the Award, we have experience of two cases. One was the case of bankers against lakhs of bany workers. The other was about 45 workers in my State of Travancore-Cochin. It was a small issue. That was due to, I may be excused for saying so, political considerations. Because the Chief Minister was the President of the association immediately before the case went to the appellate tribunal, he got it done so. But, the State Government did not do anything on the bonus issue, in spite of the fact that it affected the entire industrial set up. The bonus question was decided by Shri C. P. Ramaswami Ayyar in 1946, when he was Dewan and it was confirmed in the second Tripartite conference in 1948. After the Congress came into power, it was kept in force. For the first time in the history of the trade union movement, it was decided that there must be a floor level of bonus to every worker in organised industry. That was there for ten years. We were getting 4 per cent. of the total earnings as bonus irrespective of profit or loss. In Ahmedabad, Bombay, Coimbatore and Madras, the textile industry has adopted this by way of mutual agreement. After all the main centres have implemented the principle, the tribunal says that a floor level is not right because the Supreme Court has said something of such a character with regard to other industries; which were established after 1948, it was contented that the 4 per cent. bonus is not being paid. It was so represented by the advocate in that case. It was a wrong statement and the tribunal accepted it. So it was a wrong decision. When such decisions come, there must be some way out. We cannot always depend on the Government. Political considerations, unfortunately, weigh with this Government and with the State Governments. I shall give an example. One and a half years ago, I have filed a writ petition against the Labour Ministry. This Labour Minister altered the terms and conditions agreed between the Travancore-Cochin Government and my union regarding a matter to be sent for adjudication, under Section 10(2) where under agreed terms of reference, a case is referred to the tribunals. The Government received an application under section 10(2). The Government changed the terms of reference and sent the case for compulsory adjudication under section 10(1)(c). I appealed to the Punjab High Court. This Government has not so far sent any reply. So the

[Shri N. Sreekantan Nair]

writ petition could not be decided. The hon. Minister Mr. Khandubhai Desai has done that. I moved the High Court several times. The High Court says, we have not received any reply. This is a political approach. We cannot allow the powers under section 17 or 17A as it now reads to be given to the Government with any hope that it will be used in favour of the workers. I tell you personally I am not against the Government having such a power where the Government is for the workers. But now it is not.

So I have to move this unfortunate amendment in which I and Shri Somani have come together. I know it is also no good because the Labour Minister would never accept any amendment at all.

Shri Abid Ali: Forty-four amendments have been accepted already.

Shri N. Sreekantan Nair: They are your own amendments.

Mr. Deputy-Speaker: He is talking of his own amendments.

Shri Nambiar: Printing mistakes included.

श्री राजा राम शास्त्री : उपाध्यक्ष महोदय, मैं दफ़ा (धारा) १२ में संशोधन नम्बर १२४ पेश करने के लिये खड़ा हुआ हूं। इस दफ़ा यह लिखा है :

"as soon as it is practicable on the conclusion thereof".

मेरा संशोधन यह है कि इस स्थान पर ये शब्द लिख दिये जायें।

"within two months"

मैं इस संशोधन को इसलिये जरूरी समझता हूं कि आमतौर पर लोगों को यह शिकायत रहती है कि अदालतों में फैसले बहुत देर से होते हैं। मेरा ख्याल है कि गवर्नमेंट भी इस तथ्य को स्वीकार करेगी और हम लोग तो रोज-मर्रा इस को भुगतते हैं। इस बात से मजदूरों की परेशानी बहुत बढ़ जाती है कि न मालूम अदालतों में कितना टाइम लग जाता है। इस में शब्द रखे गये हैं —"जल्द से जल्द जहां तक सम्भव हो सकेगा।" इतने विस्तृत और व्यापक शब्दों को रखने से मामले का फैसला होने में बहुत जमाना लग सकता है। क्या यह बेहतर न होगा कि अदालतों को कहा जाय कि अर्जी को दो महीने के अन्दर अन्दर डिस्पोज आफ (निबटाना) कर दिया जाये। अगर यह व्यवस्था कर दी जायेगी, तो अदालतें भी कोशिश करेंगी की दो महीने के अन्दर ही मामले को निबटा दिया जाये। मैं समझता हूं कि अगर हकूमत समझती है कि अदालतों में बहुत वक्त लग जाता है और वह यह चाहती है कि फैसले दो माहीने के अन्दर हो जायें, तो हकूमत को इस सुझाव को मान लेना चाहिये।

ठाकुर युगल किशोर सिंह : उपाध्यक्ष महोदय, मैंने अपने संशोधन १२५ के द्वारा यह व्यवस्था की है जो कि ट्रिब्यूनल (न्यायाधिकरण) का एवार्ड (पंचाट) हो, उस की कापी फ्री आफ कास्ट (बिना मूल्य (पार्टीज (दलों) को दी जाय। इसके अतिरिक्त मुझे कुछ नहीं कहना है।

Shri Khandubhai Desai: The intention of causes 12 and 13 is very clear. I would like to give a reply only to what Shri Sreekantan Nair has said. There was no question of an agreement between the State Government and the Union for any agreed terms of reference. If that had been sent to us signed by both the parties, then I have no option in the matter, and we would have referred the question as sent to us. It was not like that.

There is another thing which he has said that we have not filed our reply to that appeal or petition pending before the Punjab High Court. We have already filed our reply to the petition long ago.

With regard to the power which the Government has taken regarding modification, I must say that after the abolition of the appellate court the House will agree that it becomes a little necessary because we have got only one court and somebody suggested there might be a mistake in a particular award. If there is a mistake there is time enough for us to rectify the mistake and even after rectifying it, which may be considered technically modification, we have not the final voice. We have got to place that modification or whatever changes we make on the Table of the House, and it will be enforceable only 15 days after it is placed on the Table of the House. The House will have ample opportunity to express itself.

Regarding the awards in which the State Government or the Central Government is a party, this is not a new innovation. It is working since 1947, and this power is there. There also, in the case of a modified award or rejection of an award, it is always laid on the Table of the State legislature or Parliament as the case may be and no difficulties have arisen, nor has there been any occasion during the last nine years to modify such awards in which Government was a party. So, I think there should be no apprehensions about it. A very rare opportunity may come some day and this modification clause is to provide for that. We have made it very clear that the modification can be either way, it can be made in order to do social justice to the employees.

So, I would request the House to accept clauses 11 and 12 as they are and clause 13 with my amendment.

Mr. Deputy-Speaker: The question is:

Page 10, line 13

for "and section 17" *substitute* "section 17 and section 17A"

The motion was adopted.

Mr. Deputy-Speaker:. The question is:

Page 10—

for lines 30 and 31, *substitute*:

"17. (1) Every report of a Board or Court together with any minute of dissent recorded therewith, every arbitration award and every award of a Labour"

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 10, line 34

for "it" *substitute*: "the appropriate Government"

The motion was adopted.

Mr. Deput-Speaker: The question is:

Page 10, lines 17 and 18

for "as soon as it is practicable on the conclusion thereof"

substitute "within two months"

The motion was negatived.

Mr. Deput-Speaker: The question is:

Page 10, line 32

after "National Tribunal" *insert*: "shall be made available to parties without cost immediately after it is signed and"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 10

after line 39, *add*:

"(3) In the event of the award being made on mistaken facts or made capriciously the respective High Courts having jurisdiction over the dispute or the Supreme

[Mr. Deputy-Speaker.]

But in such appeals the High Court and the Supreme Court should follow the inexpensive, normal procedure followed by the Labour Courts and Tribunals; and where the employer is the appellant, all the cost of the workmen's side should be met by the employer".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 11—

for lines 1 to 19, *substitute*:

"17A—*Commencement of the Award*

(1) An award (including an arbitration award) shall become enforeable on the expiry of thirty days from the date of its publication under section 17:

Provided that—

(a) if the appropriate Government is of opinion, in any case where the award has been given by a Labour Court or Tribunal in relation to an industrial dispute to which it is a party; or

(b) if the Central Government is of opinion, in any case where the award has been by National Tribunal:

that it will be inexpedient on public grounds affecting national economy or social justice to give effect to the whole or any part of the award, the appropriate Government, or as the case may be, the Central Government may, by notification in the Official Gazette, declare that the award shall not become enforeable on the expiry of the said period of thirty days."

(2) Where any declaration has been made in relation to an award under the proviso to sub-section (1), the appropriate Government or the Central Government may, within ninety days from the date of publication of the award under section 17, make an order rejecting or modifying the award, and shall, on the first available opportunity, lay the award together with a copy of the order before the Legislature of the State, if the order has been made by a State Government, or before Parliament, if the order has been made by the Central Government.

(3) Where any award as rejected or modified by an order made under sub-section (2) is laid before the Legislature of a State or before Parliament, such award shall become enforeable on the expiry of the period of the date on which it is so laid; and where no order under sub-section (2) is made in pursuance of a declaration under the proviso to sub-section (1), the award shall become enforceable on the expiry of the period of ninety days referred to in sub-section (2).

(4) Subject to the provisions of sub-section (1) and sub-section (3) regarding the enforceability of an award, the award shall come into operation with effect from such date as may be specified therein, it shall come into operation on the date when the award becomes enforceable under sub-section (1) or sub-section (3), as the case may be."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clauses 12 and 13, as amended, stand part of the Bill"

The motion was adopted.

Clauses 12 and 13, as amended, were added to the Bill.

Clause 14 was added to the Bill.

Clause 15.—(*Amendment of section* 19).

Amendment made: Page 11—

(i) *after* line 37, *add*:

'(a) in sub-section (1), the words "arrived at in the course of a conciliation proceeding under this Act" shall be omitted.'; and

(ii) line 38, *for* "(a)", *substitute* "(aa)"

[*Shri Khandubhai Desai*]

Mr. Deputy-Speaker: The question is:

"That clause 15, as amended, stand part of the Bill".

The motion was adopted.

Clause 15, *as amended, was added to the Bill.*

Clause 16—(*Amendment of section* 20)

ठाकुर युगल किशोर सिंह :

मैं अपने संशोधन नम्बर १२७ और १२८ मूव करता हूं। वे इस प्रकार हैं :

(i) Page 12—

after line 18, *add*:

'(a) in sub-section (1), for the words and figures "a notice of strike or lock-out under section 22 is received by the conciliation officer" the words "a notice for starting conciliation proceedings by conciliation officer is received by the parties concerned to the dispute" shall be substituted;'

(ii) Page 12—

after line 18, *add*:

'(a) in clause (b) of sub-section (2), for the words "received by" the words "sent to" shall be substituted;'

अभी डिप्टी मिनिस्टर साहब ने बतलाया कि पबलिक यूटिलिटी सरविसेज (सार्वजनिक लाभ सेवायें) के बारे में तो यह प्रावीजन (उपबन्ध) है कि स्ट्राइक का नोटिस कंसिलियेशन आफिसर (समझौता पदाधिकारी) को मिले और वह सरकार को उसकी रिपोर्ट (प्रतिवेदन) देदे, वैसे ही कंसिलियेशन प्रोसीडिंग (समझौते की कार्यवाही) शुरू हो जाती है। लेकिन जहां तक नान पबलिक यूटिलिटी सरविसेज (असार्वजनिक लाभ सेवायें) का सवाल है उनके लिये यह प्रावीजन नहीं है। यह कमी है। कंसिलियेशन आफिसर को जो स्ट्राइक का नोटिस मिलता है उसकी किसी को खबर नहीं होती, न तारीख की खबर होती है कि कब स्ट्राइक होगी। अगर इस बीच में कोई गड़बड़ी हो जाती है तो पार्टी के खिलाफ कानूनी कार्यवाही की जाती है। इसलिये मैं चाहता हूं कि जब तक पार्टी को उसकी खबर न मिल जाये तब तक कंसिलियेशन प्रोसीडिंग की शुरुआत न समझी जाये।

इसके अलावा जब कंसिलियेशन आफिसर सरकार के पास रिपोर्ट भेज देता है तो यह समझा जाता है कि प्रोसीडिंग समाप्त हो गयी। मैं यह चाहता हूं कि जब उस रिपोर्ट की कापी पार्टी कंसर्न्ड (सम्बन्धित) को मिल जाये तभी उस प्रोसीडिंग को खत्म समझा जाये क्योंकि यह मालूम होने पर पार्टी जो कारवाई करना चाहेगी कर लेगी। इस प्रोसीडिंग का समय निश्चित होना चाहिये। मैं यह चाहता हूं कि इस बारे में नियम साफ हो जाना चाहिये।

श्री आबिद अली : इस बारे में मैं यह याद दिलाना चाहता हूं कि सुप्रीम कोर्ट में एक अपील के सिलसिले में जो फैसल हुआ था उसके बाद हमने एक नोटीफिकेशन (अधिसूचना) के जरिये से कंसिलियेशन प्रोसीडिंग के शुरू होने और खत्म होने का समय निश्चित कर दिया था। पार्टीज को इत्तला किस तरह होनी चाहिये इसका भी नियम बना दिया था। जैसा कि मैंने उस दिन कहा था, अगर इसमें कोई दिक्कत महसूस हुई और हमको यह बतलाया गया तो हम इसको रूल्स (नियम) में शामिल कर देंगे ताकि किसी किस्म का शक बाकी न रह जाये और किसी को तकलीफ न हो।

ठाकुर बुधल किशोर सिंह : जब ऐक्ट में ही कंसिलिवेशन के बारे में प्रोवीजन (उपबन्ध) दे दिया गया है तो उसके खिलाफ आप रूल्स में कैसे प्रोवीजन कर सकते हैं। इसी लिये तो मैं ने संशोधन दिया है। अगर आपको संशोधन करना है तो यही कीजिये।

श्री आबिद अली : हमने इसको जांच लिया है। हम रूल्स में इस बारे में कम ज्यादा कर सकते हैं।

Mr. Deputy-Speaker: The question is:

Page 12—

after line 18, *add*:

"(a) in sub-section (1), for the words and figures 'a notice of strike or lock-out under section 22 is received by the conciliation officer' the words 'a notice for starting conciliation proceedings by conciliation officer is received by the parties concerned to the dispute' shall be substituted;".

The motion was negatived.

Mr. Deputy-Speaker:. The question is:

Page 12—

after line 18, *add*:

"(a) in clause (b) of sub-section (2), for the words 'received by' the words 'sent to' shall be substituted;".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 16 stand part of the Bill".

The motion was adopted.

Clause 16 was added to the Bill.

Clauses 17 to 21 were added to the Bill.

Clause 22—*Substitution of new section for section 33*

Mr. Deputy-Speaker: The following are the amendments to this clause, amendments Nos. 142, 103, 129, 104, 105, 130, 143, 144, 106, 107, 108, 109, and 110.

Shri Tushar Chatterjee: I beg to move:

Pages 13 to 15—

for clause 22, *substitute*:

"22. *Substitution of new section for section* 33.—for section 33 of the principal Act, the following section shall be substituted, namely:

"33. During the pendency of any conciliation proceeding before a conciliation officer or a Board or of any proceeding before a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall—

(a) alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding; or

(b) discharge or punish, whether by dismissal or otherwise, any workmen concerned in the dispute;

save with the express permission in writing of the authority before which the proceeding is pending."'

Pandit Thakur Das Bhargava: I beg to move:

Page 13,—

(i) line 32, *omit* "or"; and

(ii) *omit* lines 33 to 35.

Thakur Jugal Kishore Sinha: I beg to move:

Page 13, line 33,—

after "dispute" *insert* "suspend"

Pandit Thakur Das Bhargava: I beg to move:

Page 14, line 7,—

omit "not connected with the dispute"

Shri Tushar Chatterjee: I beg to move:

Page 14—

for lines 10 to 14, *substitute*:

"Provided that in case of alteration of the conditions of service

the workmen concerned shall have the right to apply to the authority before which the main dispute is pending for disapproval of the said alteration of condition of service; and

Provided further that in case of discharge or dismissal of workman, the employer shall make an application to the authority before which the dispute is pending, for approval of the action taken by him and shall continue to pay the workman concerned the wages that are due to him, if he were in service, for such time as the said authority takes to give its final decision on the matter."

Shri Raja Ram Shastri: I beg to move.

Page 14—

for lines 10 to 14, *substitute*:

"Provided that in case of alteration of the conditions of service the workman concerned shall have the right to apply to the authority before which the main dispute is pending, for disapproval of the said alteration of conditions of service:

Provided further that in case of discharge or dismissal of workman the employer shall make an application to the authority before which the dispute is pending, for approval of the action taken by him and shall continue to pay to the workman concerned the wages that are due to him if he were in service, for such time as the said authority takes to give its final decision on the matter, or for one month whichever is greater."

Shri Nambiar: I beg to move:

(i) Page 14, line 31,—

after "establishment" *insert*—

"or whose name is supplied by the registered trade union for this purpose".

(ii) Page 14, lines 42 and 43,—

omit "and the manner in which the workmen may be chosen and recognised as protected workmen".

Shri Tushar Chatterjea: I beg to move:

(i) Page 15, line 1—

after "employer" *insert* "or an employee"

(ii) Page 15, line 3—

after "approval" *insert* "or otherwise"

(iii) Page 15, line 4—

for "him" *substitute* "employer"

(iv) Page 15, line 5—

after "hear" *insert*:

"arguments of both parties upon"

Pandit Thakur Das Bhargava: I beg to move:

Page 15, line 7—

add at the end:

"and in case the alleged misconduct was connected with the dispute and the discharge or punishment whether by dismissal or otherwise was wanton or unfortified the authority concerned may in addition to any other order which it considers proper award suitable damages against the employer".

Mr. Deputy-Speaker: All these amendments are now before the House.

Shri Tushar Chatterjea: This is a very vital clause that we are objecting to. The amendment of section 33 has been objected to, and there has been a prolonged discussion on it both from the side of the Opposition and also from the other side from such eminent Congress Members as Shri K. P. Tripathi and Shri V. V. Giri. All of them have pointed out some defects at least that exist in the proposed amendment. Even Shri V. V. Giri and Shri K. P. Tripathi have pointed out that a fair deal has not been given to the workers in the proposed amendment.

[Shri Tuskar Chatterjea]

The Labour Minister and also the Deputy Labour Minister have tried to show in the course of their reply that our apprehensions are all theoretical. The Labour Minister said that from the theoretical point of view, the right of the workers has been taken away, no doubt, but judging from the practical point of view, the safeguards are quite adequate. I want to meet this point of the Minister.

We know from experience that the workers are going to lose, from the practical point of view. So, our apprehensions are not based merely on a theoretical point of view. The rights that the workers are now enjoying under section 33 are no theoretical rights, and the safeguards that have been provided for in the amendment are no real safeguards, judging from the practical point of view.

It has been said that although a right has been given to the employer to effect change in the conditions of service, yet it has been provided that the employer can do so only according to standing orders. But what are these standing orders? The standing orders which apply to almost every factory do not provide for any real right of the workers. They are such that they give sweeping powers to the employers to take any action they like. I may just quote from one standing order which I have with me at the moment. Under the head 'Misconduct' the following have been listed, namely, demanding or accepting or offering bribe, smoking in prohibited areas, eating anything, even betelnut, inside packing room, failure to carry out order of superiors, insubordination, sleeping on duty, disclosing commercial secrets, collection of money within factory premises for purposes not sanctioned and so on. For any of these faults on the part of the worker, the employer can take summary action; he can either summarily dismiss the worker, or effect a wage cut or do anything else he likes.

Shri Abid Ali: What is the name of that establishment?

Shri Tushar Chatterjea: I shall give you the exact name after I finish my speech. This is in a distillery.

Shri N. Sreekantan Nair: The provisions are the same in almost every standing order.

Shri Tushar Chatterjea: As far as I know, at least in Bengal, most of the standing orders are of this nature. I believe it must be so in almost all the factories.

Shri N. Sreekantan Nair: Even in 'model' standing orders, you will get these things.

Shri Tushar Chatterjea: There is no provision in the standing orders by which the employer is debarred from taking any action under any of these heads. It is very difficult also for the workers to prove their innocence. So, the existence of standing orders is no guarantee.

It may be argued that in normal times also, the standing orders are in force, and the employers can take action, and therefore, there should not be any objection. But the point here is that while a case is pending with the tribunal, the worker is deprived of the right to go on strike, which right he has during normal times. So, in normal times, there is a check against taking arbitrary action, even according to faulty standing orders. But according to the present provision which is contemplated, the employer can take action, even during the pendency of the dispute before the tribunal, while so far as the worker, is concerned, there is no guarantee, and there is so safeguard at all.

One hon. Member said that notice of change has been provided for. But notice of change is not a precedence for justifying action on the part of the employer. It is simply a notice of the employer will give a month's notice. But the notice will not justify the action, if it is faulty, or illegal or anything like that . Therefore, notice

of change also is no safeguard against arbitrary action by the employers.

In regard to cases of dismissal, it has been suggested that one month's wages are being provided for. Secondly, it is said that the employer will apply to the tribunal for approval of his action. But I would like to point out that one month's wages cannot be made a substitute for loss of job that the worker is going to suffer from. The worker is dismissed first, then his case goes to the tribunal, the employer applies to the tribunal for approval of his action and so on. And the tribunal takes a long time to judge. In the meantime, do you mean to say that the worker who gets one month's wages will wait on till the disposal of the case? That does not happen? In a majority of the cases, what happens is that the worker after taking one month's wages is not able to wait on for the final decision of the court or the tribunal, and he goes elsewhere to seek his livelihood. So, the ultimate result is that even if the tribunal decides in favour of the worker and directs his reinstatement, the worker will not be able to take advantage of that decision, because at that time he will be in some far off place. So, by providing for one month's wages, you are not actually providing against the loss of job.

Secondly, it is the employer only who applies to the tribunal for approval of his action. The hearing of that application is nothing but an *ex parte* trial; at least, in most of the cases it will be nothing but an *ex parte* trial, and the tribunal will merely approve of the action of the employer, with the result that generally, the worker will have to suffer.

I would like to say just a few words about the protected workmen. It is good that protection has been given to a section of the workers, namely, the union officials. But the point is that while you are taking away the right of the ordinary workmen, you are retaining the rights in the case of the union officials. This will definitely mean creating division among the workers and breach between the ordinary workers and union officials. I maintain that by this procedure only employers will be benefited. They will take advantage of this to create dissension between the ordinary workers and union officials. The union officials will always be posed as a privileged class. Who will select in this case? Out of 5,000 workers, 50 persons will be selected as protected workers. How will you select 50? On that, there will be dissension and division amongst the workers. The Deputy Minister said the other day that now the employer dismiss workers at random,—he is rather providing for one month's wage. He said that that was rather a material benefit to the worker. I know of many cases in my State where the employer, pending proceedings the tribunal, dismisses workers suspends workers or puts them into trouble. We apply to the tribunal for redress. We know that the employer in many cases, in violation of section 33, does such things. Does the Minister mean to say that by providing for one month's wages, the worker can be asked to accept a position in which the employer's illegal action, in the matter of violation of section 33, will be now validated? What Government are doing is nothing but asking the worker to take one month's wage and in exchange, forgo the right to be retained, the right to challenge the employer's illegal action. Therefore, we strongly object to the change proposed in section 33. We want that section 33 should be retained as it is under the Act.

I do not understand why this change has at all been necessary. If it is a question of any change of condition of work in the interest of the industry, then it can easily be made by applying to the tribunal and getting prior sanction. If in the interest of the industry, any such change is necessary, that cannot be all of a sudden; it can easily be foreseen and understood beforehand and timely application can be

[Shri Tushar Chatterjea]

made. If it is a question of the community's good, the industry's good, the present provision does not debar the employer from taking recourse to the correct action. But why are Government depriving the workers of this right? I have been reading in capitalist journals their clamour for a change of this section 33. Some days ago, I was travelling with a big capitalist. He was just asking me how the employer could not have the right to discharge the worker whenever he wished, how the employer could be deprived of this sacred and solemn right. From that point of view, they were opposing section 33.

I believe the Government have surrendered to their pressure. Therefore, I finally appeal to the Government that in the interest of the worker, in the interest of the community at large, the original section 33 should be retained and the present amendment should be done away with. My amendment No. 142 suggests only retention of the original section.

Shri Sinhasan Singh: Reading the existing section and the proposed section, I find that we are departing from the position under which employees were getting benefit. Under the present section 33, as my hon. friend, Shri Tushar Chatterjea, has pointed out, the employee could not be dismissed during the pendency of the proceedings. But under the amended section, he can be easily dismissed, only with the saving clause of one month's pay. Shri Tushar Chatterjea has read out the standing orders of certain industries.

Mr. Deputy-Speaker: The dismissal should not be connected with the dispute.

Shri Sinhasan Singh: But the definition of 'misconduct', is so wide, as Shri Tushar Chatterjea pointed out by reading from the standing orders, that anything can be termed as a misconduct. Whatever guarantee was given by way of section 33 to the workers is now sought to be taken away by the proposed amendment.

Here we are extending the provision even to the supervisory class. On the one hand, we are giving a great benefit to all workmen, including within the ambit of 'workman' persons in supervisory capacity drawing up to Rs. 500 per month. But on the other hand while the dispute is pending, all these persons can be punished one way or the other by sub-clause (2) as now proposed. Not only that. The employer can 'alter, in regard to any matter not connected with the dispute, the conditions of service applicable to that workman...'. I know in some sugar factories, employees get free fuel and free quarter; but in some factories they do not. When a dispute arises, the company can say: 'Now, refer the dispute to arbitration. We refuse you fuel facilities; we refuse you light facilities'. So all these facilites can be easily withdrawn during the pendency of the proceedings.

I do not know what could be the purpose of Government in introducing sub-clause (2). I would ask the Minister, who has throughout his life been a saviour of the workman, how such a provision has come through his own hand, which will force the workman to say: 'From the man we expected most, we have got the least'. The original section 33 provided a great amount of safety to the workman. Addition of sub-clause (2), as proposed, will take away all the benefits and great mischief will be done to the workman who will not dare go to the tribunal to settle any dispute. So I would request both the Ministers, who have been all along leaders of labour themselves, to reconsider this and try to restore the old position.

Pandit Thakur Das Bhargava: I have moved amendments Nos. 103, 104 and 110. I will explain the purpose of my amendments. I do not regard the present provision as satisfactory. I do not know what are the

agreements reached between the employers and employees. If there are any such agreements, and Government are bound by those agreements, I do not want to interfere at all. At the same time, as I have submitted already, I am neither connected with any employer nor connected with any employee as such. I only want to look at it from the standpoint of a citizen of India.

To my mind, misconduct, whether connected with any dispute or not so connected, is misconduct, and I do not want to put a premium on misconduct. If there is misconduct of any sort, say, for instance, assault, arson or sabotage, it should be punished, and the employer should be allowed to punish it. If it is of a minor character, it is not misconduct, properly speaking, and it does not partake of a criminal nature. In that case, I should think you may pass any law and you may not arm the employer with such powers. But if there is a misconduct tantamount to a crime, I do not see what justification there can be for taking away the powers of the employer to punish those who are guilty of such misconduct from the national point of view. Suppose some person takes it into his head to sabotage a factory, what will happen. I think it would be wise to see that that person be dismissed and allowed to go away. I can understand the feeling that the amount of compensation which is provided, namely, one month's pay, is not sufficient. I can understand even the other kinds of criticism, but I cannot understand how in a matter of this moment involving misconduct of a criminal nature, it could be said that it should not be connected with one dispute.

Shri N. Sreekantan Nair: Did you hear the explanation of 'misconduct' read out from the Standing orders?

Pandit Thakur Das Bhargava: I am of the view that there should be no premium on any such activity which results in national loss. That is wrong. But, if it is misconduct of an ordinary nature which does not involve any criminal loss, that is a different matter.

I was submitting and I submitted two days ago also that some of the disgruntled labourers put some earth and pieces of iron in the machine in some factory. I do not want to name the place. If a thing of that nature occurs, I am clearly of the view that we should look at the thing in the proper perspective and we should not countenance any such act of a criminal nature. Therefore, I submit there will be no harm if the amendment which I have submitted is accepted.

I want two things more. It may be a case of victimization. In such a case when the proceedings are continued and an employer wants to victimise, the Court should be armed with much greater powers than it has been armed with here. I want that if it is ultimately proved—approval papers must go to Court—in that case, in addition to the other remedies which the Court can grant to the person who is aggrieved, the Court may even award damages. On the 21st I submitted that the proper remedy is imprisonment of the employer. We have got a provision that an employer can be imprisoned if he takes away the job of a person in such a way that he contravenes the provisions. I have no sympathy for the man. I would rather like to see that an employer who contravenes the provisions of the Act to be punished with imprisonment.

One thing more. It has been said that one per cent. of the workers striking, who are fighting a dispute will be protected. I can understand the interests of those persons being protected. If there are 100 persons, 20 out of them may be out of the mischief. In cases of this nature, you should allow the employer to suspend that man without pay. The person suspended must get his pay but should not be allowed to enter the mills. The

[Pandit Thakur Das Bhargava]

words are: "by discharging or punishing, whether by dismissal or otherwise...." I do not think, "whether by dismissal or otherwise" excludes suspension with pay.

Shri Nambiar: Nowhere is it so stated.

Pandit Thakur Das Bhargava: I submit that we should have a provision like this so that the employee should not lose his job. The Court shall decide whether the dismissal is a proper one or not. If it is improper let him get all his pay for the whole period.

Shri N. Sreekantan Nair: How will he continue to live?

Shri Nambiar: If it is with pay.

Pandit Thakur Das Bhargava: Otherwise the employer will be allowing those people whom he considers guilty of sabotage to enter the factory and commit mischief and sabotage. They should not be allowed to enter the factory; at the same time those who are treated in this way will not be prejudiced by their pay etc. not being laid.

Mr. Deputy-Speaker: If, ultimately, the dismissal is found to be just, where does this pay go?

Pandit Thakur Das Bhargava: In that case, as we have got section 24, we can have some similar provision.

Shri Nambiar: No.

Mr. Deputy-Speaker: Let us hear the viewpoint of the hon. Member.

Pandit Thakur Das Bhargava: In Sub-section 3 the words are:

> "shall pass as expeditiously as possible such order in relation thereto as it thinks fit."

Full power is given to the Court to do justice.

Shri Venkataraman: How do you recover from a worker?

Pandit Thakur Das Bhargava: This will apply to only one per cent. of the workers who are protected. I am speaking of the protected worker. In the case of the protected workers because the law has given protection, it is fair that the protection should not be taken away. The compromise is there; he gets his pay and he is not allowed to enter the premises. I would be very sorry if such persons are allowed to enter the mills and destroy the whole machinery. After all, if the entire thing is destroyed the country loses. If the hon. Minister has got agreements with the employer and the employee then I have nothing to submit.

Shri Nambiar: This is a very controversial point. I do not know on what ground Government insist upon bringing this amendment.

Mr. Deputy-Speaker: In spite of the controversy, the hon. Member has to be very brief.

Shri Nambiar: Section 33 is very simple. There, every protection is given to the worker if there is illegal discharge or removal. The hon. Minister says that the protection given was illusory and he wants to see some more protection given to the worker so that he may get full benefit. This is the way he poses the issue. But, is it the truth? In the Statement of Objects and Reasons he speaks in quite a different tone. He says:

> "Employers have complained that they are therefore prevented from taking action even in obvious cases of misconduct and indiscipline unconnected with the dispute till long after the offence has been committed. It is proposed to alter the existing provisions so as to provide that, where, during the pendency of proceedings an employer finds it necessary to proceed against any worker he may do so....."

Here he makes it very clear that he brings in this amendment to enable the employer to remove or discharge

a worker. The provision in the original Act was in favour of the worker but it was illusory and therefore he wants to give more benefit to the worker. These two are quite contradictory. However cunningly or cleverly the hon. Minister may explain his point, it is very clear that this is a present given to the employer and it is a clear urge for him to start the offensive. Let the hon. Minister explain what he is doing to add to the rights already enjoyed by the worker. There is no explanation for the hon. Minister to offer for this sort of anomaly.

Again the Minister says there are protected workmen. Shri Tushar Chatterjea has explained it very well. The protected workmen are to be treated in a different way than the other workers. In the textile industry, in a mill, there will be thousands of workers. You will be treating the protected workers who have taken part with the others in an agitation on a particular issue in a different way than the others. The employers have got a machinery to find out who are the militant boys, who are the leaders of different sections and they will write down their names. There is every chance for the employer to victimise those workers so that the agitation may collapse. This is always happening. The employer does not have any pleasure in removing an employee from employment. It is purposely done to see that the particular persons who started the agitation are suppressed. He has got a very good opportunity to do so when the worker is denied the right to go on strike in the name of adjudication. The worker is denied the right to go on strike. The militant workers are picked and chosen and they are removed from service. At the same time they could go and file a simple petition in the Court. The hon. Minister wants the facilities to be extended to the workers particularly as he wants better relations to be established between the employees and employers in view of the Second Five Year Plan. But what is the result here? By a majority Government may pass this measure today. But what is going to happen is that when a question is under adjudication, if an employer removes the workers, the militant workers, in the name of the right given under the present amendment, again the strike will start. They can say that it is illegal and punish the workers and even shoot them as they did in Kalka; they can put the entire blame on the workers as they did in the Kharagpur affair stating that the workers took over the control of the engine which had no driver. They can call the workers a donkey and shoot him afterwards. But what I say is that the industrial relations will be affected.

If you are bringing this measure to help the employer in the Second Five Year Plan to encourage production and so on, and also for improving industrial relations, then you are going to lose the same. Shri Giri stated that he would wait and see how the employers behave for a period of one year before deciding this issue. Even he, who was one of the sponsors of this measure, is not sure that the employers will behave well. Today the hon. Minister again promises that if things do not improve, he will again come to the House and bring in necessary amendments to this Act. Why all these 'ifs' and 'buts'? Why should you remove these rights which the workers are enjoying all through?

I know the views of the All India Trade Union Congress and the I.N.T.U.C. The I.N.T.U.C. does not want this. Shri Tripathi also spoke about this. In their Special Annual Number also this view is very clearly stated. The hon. Minister of Labour says that for 99 per cent. of his life he has been a supporter of workers and he has already been Chief of the I.N.T.U.C. We cannot understand the necessity for bringing in this measure as it is going to help the employers at the cost of the workers. No one in the Consultative Committee, who is interested and directly connected with the trade unions in the country, wanted

[Shri Nambiar]

this. We stated that we might allow all other sections to come in, but not this particular section. In spite of our request, in spite of the agitation in the country over this, the hon. Minister is insisting upon it. This measure is going to be passed here even without being referred to a Select Committee. I will request him that at least now he will not include this amendment to section 33 and will withdraw it. If he does not do so, he is not doing good to the workers. I may tell you that the workers also will retaliate in the future, if you insist on this amendment of yours.

श्री राघा राम शास्त्री : सबसे पहले तो मैं यह बात कहना चाहता हूं कि सरकार के दृष्टिकोण में और हम लोगों के दृष्टिकोण में इस मामले में बहुत बड़ा अन्तर है। हमारी समझ में नहीं आता कि इस दफा को रखने से किस तरह से मजदूरों की रक्षा ज्यादा होगी। इस चीज को माननीय मंत्री जी ने समझाने की तो कोशिश की है लेकिन यह चीज हमारी समझ में तो नहीं आई। मैं चाहता हूं कि आप हमें समझायें कि इस दफा (धारा) के रखने से किस तरह से उनकी ज्यादा रक्षा होगी बनिस्बत इसके की जिस तरह से उनकी रक्षा आज हो रही है। मैं यह समझता हूं कि यह दफा (धारा) उनके हितों पर कुठाराघात करेगी और पहले से झगड़े ज्यादा बढ़ेंगे।

5-35 P.M.

[MR. SPEAKER in the Chair]

आप एक तरफ तो यह कहते हैं कि उत्पादन हम लोगों को बढ़ाना चाहिये और द्वितीय पंच वर्षीय योजना को हमें सफल बनाना चाहिये परन्तु जिस तरह आप यह क्लाज (खण्ड) रख रहे हैं उससे मैं समझता हूं आप इस ध्येय की पूर्ति नहीं कर सकेंगे। आप देखेंगे कि जब कभी भी इस तरह से मजदूर निकाले जायेंगे तो वे लड़ने लग जायेंगे जिसका नतीजा यह होगा कि शान्ति स्थापित होने के बजाय अशान्ति ही ज्यादा बढ़ेगी।

इसके साथ ही साथ मैं यह भी कहना चाहता हूं कि अगर वही बात होती जो कि मंत्री लोग कहते हैं कि इससे मजदूरों की रक्षा ज्यादा होगी तो मैं आपको विश्वास दिलाता हूं, उपाध्यक्ष महोदय, कि मालिकों के पक्ष के लोग यहां पर अवश्य बैठे होते। उनको यहां पर बैठने की आवश्यकता ही महसूस नहीं हुई क्योंकि उनको मालुम है कि इस क्लाज को उन्हीं की खातिर रखा गया है। आप यह भी देखिये कि चाहे मजदूर क्षेत्रों में काम करने वालों की संख्या कम ही है लेकिन उनमें से भी काफी लोग यहां पर बैठे हुए हैं और वे सब यह समझते हैं कि इससे मजदूरों का नुकसान ही होने वाला है। मालिक लोग यह जानते हैं कि जो कुछ उन्हें चाहिये उनको वह मिल रहा है। अब आप देखिये कि इस दफा के पास हो जाने के बाद क्या होने वाला है। हर एक जगह के मालिक मजदूरों से यह कहेंगे कि तुम्हें अच्छी तरह से समझ लेना चाहिये कि भारत की सावरेन पार्लियामेंट (सम्पूर्ण प्रभुत्वसम्पन्न संसद) ने हमको यह सावरेन अधिकार प्रदान किया है कि अगर तुमने कभी बदमाशी की और अगर न भी की लेकिन अगर हमने समझा कि तुमने की है तो तुम निकाल दिये जाओगे। पंडित ठाकुर दास भार्गव जी ने कहा कि अगर कोई मजदूर हत्या करने के लिये तैयार हो जाता है तो उस मजदूर को क्यों न निकाल बाहर किया जाय। हम लोगों ने जिन्होंने मजदूर क्षेत्रों में काम किया है

वे अच्छी तरह से जानते हैं कि अकसर मालिकों की तरफ़ से ही मारपीट होती है और बहुत ही कम केसिस में मजदूरों की तरफ़ से किसी प्रकार की ज्यादती होती है। तो मैं यह कहना चाहता हूं कि जिस तरह से मालिकों को मजदूरों के प्रति कोई शिकायत हो सकती है उसी तरह से मजदूरों को भी मालिकों के प्रति शिकायत हो सकती है। इस वास्ते जहां मालिकों को यह अधिकार दिया गया है कि वे अपनी शिकायत आथोरिटीज (प्राधिकारियों) के सामने कर सकते हैं उसी तरह से मजदूरों को भी यह अधिकार दिया जाना चाहिये कि वे भी आथोरिटीज (प्राधिकारियों) के सामने जा कर अपनी शिकायत पेश कर सकते हैं। जब यह अधिकार आप मालिकों को देते हैं तो इसे मजदूरों को भी दीजिये। दोनों को यह अधिकार होना चाहिये और इसी चीज को दृष्टि में रखते हुये मैं ने एक संशोधन पेश किया है और मैं आशा करता हूं माननीय मंत्री जी उसको मान लेंगे।

यह बात भी मेरी समझ में नहीं आई है कि मालिक अगर नोटिस देता है तो क्यों उसकी एप्रूवल (अनुमति) के लिये ही वह एप्लीकेशन (आवेदन पत्र) दे। मैं समझता हूं उसकी एप्लीकेशन एप्रूव भी हो सकती है और डिसएप्रूव भी। इस वास्ते जो मैं ने संशोधन पेश किया है उस में मैं ने यह कहा है कि एप्रुवल (अनुमति) के साथ साथ डिसएप्रूवल (अस्वीकृति) का शब्द भी होना चाहिये। जहां आप ने मालिक को अधिकार दिया है कि वह शिकायत कर सकता है वहां पर मजदूर को भी यह हक हासिल होना चाहिये कि जहां पर झगड़े तय होते हैं वहां दोनों ओर के नुमाइंदों को बुलाया जाये, दोनों की बात को सुना जाये और दोनों को सुनने के बाद ही फैसला दिया जाये। मैं समझता हूं कि अगर यह दफा इसके अन्दर न होती और जो अधिकार अब तक मजदूरों को प्राप्त हैं वे उनके पास रहने दिये जाते तो यह एक खुशी की बात होती। लेकिन अब इस दफा के यहां रहने से, मैं समझता हूं, जितने भी हक अब तक मजदूरों को मिले हुये हैं, उनसे कई गुना ज्यादा उनसे छीने जा रहे हैं। आप अन्दाजा लगाइये कि जिस वक्त पर कोई मालिक अपने यहां के ट्रेड यूनियन वर्कर (कार्मिक संघ कार्यकर्ता) को निकालेगा और मजदूर उसकी मुखालिफत करेंगे तो क्या होगा। हड़ताल मजदूर कर नहीं सकेंगे क्यों कि उसे आप गैर-कानूनी करार दे देंगे, अदालत में वह जा नहीं सकेगा क्योंकि इस चीज की इजाजत देना आपके हाथ में है और कोई दूसरी चीज वह कर नहीं सकेगा, तो मैं जानना चाहता हूं कि वह क्या करेगा? ऐसी दशा में क्या आप यह समझते हैं कि शान्ति कायम रह सकेगी और यदि रह सकेगी तो कैसे। मेरा अपना विचार तो यह है कि इस दफा के रहते किसी सूरत में भी शान्ति कायम नहीं रह सकती है। इस चीज को मजदूर नहीं मानेगा। इस वास्ते मैं चाहता हूं कि दोनों मंत्री जो कि बैठे हुये हैं इस दफा को कायम रखने की जिद् न करें। उनको चाहिये कि वे हमारी बात को भी सुनें और साथ साथ मालिकों की बात को भी सुनें और जो दुरुस्त बात हो वही करें। हम लोग जानते हैं कि मालिक किस तरह से काम करते हैं। मैं आपको विश्वास दिलाता हूं कि मालिकों की तरफ से काफी सख्ती होती है और इस दफा के पास होने के बाद और भी सख्ती उनकी तरफ़ से होगी। मैं सदन के तमाम माननीय सदस्यों से दरख्वास्त करता हूं कि अगर वे हम को कुछ और नहीं दे सकते तो कम से कम इतना तो करें कि दफा ३३ जिस तरह से है उसको वैसे ही बना रहने दें। मजदूरों की

[श्री राजा राम शर्मा]

गलत होने के बजाय उनका गला घोंटने की ही कोशिश मालिकों की तरफ से होगी । इस वास्ते यह जो दफा २२ है इसकी मैं सख्त मुखालिफत करता हूं और उम्मीद करता हूं कि जो माननीय सदस्य बैठे हुये हैं वे इस दफा (धारा) की मुखालिफत करें और इस दफा को न रहने दें ।

Shri Venkataraman: Section 33 and 33A were largely introduced in the last Bill at my instance. I naturally feel sorry that there has been an abridgement of the provisions, but I am at pains to point out that the panic which the other side is creating over a change is not at all justified. In fact, some of the speeches would create the impression in the labour world outside that the entire section 33 has been abrogated and that the employees have been left entirely at the mercy of the employers. The old section 33, before the 1950 amendment, was as my friend, Pandit Bhargava, wanted: whether connected or unconnected with the dispute, the employer can discharge or dismiss a worker. Disputes arose as to whether the matter was connected or unconnected and naturally we said that we ought to make provision that without the permission of the tribunal, a worker should not be dismissed or discharged. The restriction that was placed was not that the employer had no right whatsoever to discharge a worker. If he wanted to do so he should take the permission. The employers, I regret to say, got round section 33. They started suspending the workers without paying wages and they were within the four corners of section 33. They suspended a worker and said that it was neither discharge by way of dismissal or otherwise and therefore, they said that they were well within the ambit of the law and filed a petition and merrily went on taking a long time.

Pandit Thakur Das Bhargava: 'or otherwise' did not protect them?

Shri Venkataraman: It was unfortunately held by the tribunals that it did not protect them. At that time—I am talking of the period when we met in tripartite conference in 1950-1952—the employees were anxious that before any action was taken say, like suspension etc.—they should get some sort of a monetary payment and that the term should cover suspension also.

That is the background in which certain agreement was arrived at in a consultative meeting. It is not as if it was forced on the employees. They wanted that during the period when their case was pending before the tribunal, they should get some compensation and ultimately they agreed to this one month.

My submission is that, if the Government would only assure that it would give an executive direction to the tribunal to dispose of all these applications under this clause within, say, one month which is the period during which they are getting some compensation, these troubles and fears would be completely allayed and there would be no scope for any fear. Since, however, the Government has taken power to transfer these cases from the tribunal to the labour courts which may deal with these, there may not be so much pressure of work and it should not be possible for them to see that these cases are disposed of within a month.

Shri Tushar Chatterjea read a long list from the standing orders. That was true when under the Act the certifying officer could not go into the validity or reasonableness or otherwise of the standing officers. But under the amendment which we have made, I am quite sure that any number of applications will be filed by the employees who are alert and alive to have their standing orders modified in a suitable manner. Power is given to the certifying officers to go into the reasonableness or otherwise of the

standing orders and the clause relating to the notice of change gives some protection. I do not say that this covers every possible case but there is no need for such a panicky expression of opinion over the change in section 33. I am quite sure that my friends would themselves recognise this though they put up a good fight.

Shri Nambiar: It is not for any such thing that we are fighting.

Shri T. B. Vittal Rao: We are prepared to accept your amendment that whole case should be disposed of within one month.

Shri Venkataraman: It should be possible for the Government that is what I am submitting.

Shrimati Renu Chakravartty: No executive order; it should be statutory.

Shri Venkataraman: Supposing it is not decided within one month, what would be the statutory remedy. This Parliament does not pass legislation which could not be enforced. Therefore, Government should give an undertaking and I would appeal to them to give some sort of an undertaking.

Shri Abid Ali: I was rather worried when I heard the hon. Members opposite arguing out this particular clause and comparing the present position as it is in the Act while I was comparing the present position as was, not in the Act, but in practice. I was happy to find that on the suggestion of my friend, Shri Venkataraman, the friends opposite got reconciled to this amending clause. We are prepared to give an assurance that these cases will be disposed of expeditiously.

Shrimati Renu Chakravartty: We want statutory provision.

Shri Abid Ali: We are prepared to put in 'one month' but it will have no meaning. What will happen if the case is not decided? Some Member opposite said the other day that the Court would have a right to extend the date. Then, it has no meaning. It may be given a direction that the case should be expeditiously decided. After finding the hon. Members agreeing to this proposition, I am a bit relieved. (*An Hon. Member:* Not at all.) We ourselves want the cases to be speedily disposed. The very purpose of providing the three-tier system is that the miscellaneous cases should be decided by the labour court. We want that all the dismissed workers should get one month's wage in the first month. It is not as if it will compensate dismissal. Nothing will compensate a dismissal unless a man himself deserves dismissal. The idea is that he should get some relief during the first month and we expect that the case would be decided with the two months period. For the first month he gets his salary and the next month he gets this suspension compensation and before that period ends, in the third month at the most, he gets the order of the court. If he is reinstated, the court has the authority to give him relief as it deems fit. If it feels that he is to be dismissed, he is dismissed. So, I feel that the friends opposite will not feel that any injustice is being done. So far as facts are concerned, there is no dispute. As it is, a large number of workers are dismissed, during the pendency of the proceedings and then they go before the court. Sometimes 2 years or even three years are spent and there is no relief. After the judgment of the original tribunal, there is an appeal also.

Shri Nambiar: We are for tightening up; tighten it up by all means.

Mr. Speaker: The hon. Members have spoken at length; let the hon. Minister finish.

Shri Abid Ali: There may not be any difficulty so far as the immediate disposal is concerned. Kalka and other things have been mentioned. I must again submit that no striker will

[Shri Abid Ali]

be touched so long as he remains within the law.

Shri Nambiar: But the law is not very big!

Shri Abid Ali: If he goes and wants to murder, he should be treated accordingly. (*Interruptions.*)

Shri T. B. Vittal Rao: Why should he refer to Kalka?

Shri Abid Ali: Shri Nambiar referred to it; I am not myself referring to it. Therefore, I say that the workers are placed in a better position by this amendment than they were before.

Another difficulty was mentioned. Certainly Government will always be ready to help such of the workers who are treated unreasonably or victimised for union activities. There is no dispute on that point. Therefore, connected with the dispute they can have court protection and not connected with the dispute they can have the dispute referred to adjudication. Therefore, where is the point for so much anger and suspicion being shown and expressing the feeling that the workers are being massacred. (*Interruption.*) I know what is the present position and what has been provided for. Therefore, again, for a third time I repeat that the workers are placed in a better position by this amending Bill.

ठाकुर युगल किशोर सिंह : मैं एक क्लैरिफिकेशन चाहता हूं ।

अध्यक्ष महोदय : कोई क्लैरिफिकेशन नहीं ।

ठाकुर युगल किशोर सिंह : उन्होंने कहा है सस्पेंशन के..... ।

Mr. Speaker: The hon. Member may kindly resume his seat.

Shri T. B. Vittal Rao: The Minister said that in the second month suspension allowance would be given. Where is it stated in the Bill?

Shri Abid Ali: I will explain that what I said. Suppose in the month of January a worker has been dismissed, he has received his salary for the month of December and for the period of January that he was on the job he will receive his salary in February. From the date of dismissal for one month he will receive one month's wage as it has been provided in the amending section and by the time that period ends I hope he will get the judgment of the Court. I think that will be all right.

Mr. Speaker: Should I put any of these amendments to the vote of the House?

Shri Nambiar: Amendment No. 142 may be put, Sir.

Mr. Speaker: The question is:

Pages 13 to 15—

for clause 22, *substitute*:

'22. *Substitution of new section for section* 33.—For section 33 of the principal Act, the following section shall be substituted, namely:—

33. During the pendency of any conciliation proceeding before a conciliation officer or a Board or of any proceeding before a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall—

(a) alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding; or

(b) discharge or punish, whether by dismissal or otherwise, any workmen concerned in the dispute;

save with the express permission in writing of the authority before which the proceeding is pending'."

The Lok Sabha divided: Ayes 24; Noes 60.

Division No. 2] **AYES** **[5·52 P.M.]**

Jain, Shri K. K.	Kath, Shri	Raghavachari, Shri
Biren Dutt, Shri	Mehta, Shri Asoka	Rao, Shri Gopala
Chakravartty, Shrimati Renu	Moitra, Shri M. K.	Rao, Shri T. B. Vittal
Chatterjea, Shri Tushar	More, Shri S. S.	Reddy, Shri R. N.
Chowdhury, Shri N. B.	Mukerjee, Shri H. N.	Shastri, Shri Raja Ram
Das, Shri B. C.	Nair, Shri N. Sreekantan	Singh, Shri R. N.
Dasaratha Deb, Shri	Nambiar, Shri	Sinha, Thakur Jugal Kishore
Gupta, Shri Sadhan	Nair, Shri V. P.	Waghmare, Shri
Achal Singh, Seth		
Altekar, Shri	Joshi Shri, Anand Chandra	Ranbir Singh, Ch.
Ansari, Dr.	Joshi, Shri Jethalal	Sahu, Shri Rameshwar
Badan Singh, Ch.	Keshavaiengar, Shri	Samanta, Shri S. C.
Basappa, Shri	Malliah, Shri U. S.	Sanganna, Shri
Bhagat, Shri B. R.	Maydeo, Shrimati	Satyawadi, Dr.
Bhargava, Pandit Thakur Das	Mehta, Shri B. G.	Sewal, Shri A. R.
Brajeshwar Prasad, Shri	Mishra, Shri Bibhuti	Shah, Shri Raichandbhai
Das, Shri Shree Narayan	More, Shri K. L.	Sharma, Pandit K. C.
Desai, Shri Khandubhai	Muhammed Shaffee, Chaudhuri	Sharma, Shri D. C.
Dhulekar, Shri	Narasimhan, Shri	Sharma, Shri R. C.
Dubey, Shri R. G.	Naskar, Shri P. S.	Siddananjappa, Shri
Dutt, Shri A. K.	Nehru, Shri Jawaharlal	Singh, Shri D. N.
Gandhi, Shri Feroze	Nehru, Shrimati Shivrajvati	Sinha, Dr. S. N.
Gopi Ram, Shri	Pande, Shri B. D.	Sinhasan Singh, Shri
Hem Raj, Shri	Parekh, Dr. J. N.	Subrahmanyam, Shri T.
Jagjivan Ram, Shri	Patil, Shri Shankargauda	Suresh Chandra, Dr.
Jatav-vir, Dr.	Pillai, Shri Thanu	Thomas, Shri A. M.
Jayashri, Shrimati	Ramanand Shastri, Swami	Uikey, Shri
Jena, Shri Niranjan	Ramananda Tirtha, Swami	Vaishya, Shri M. B.
		Venkataraman, Shri
		Vidyalankar, Shri A. N.

The motion was negatived.

Mr. Speaker: The other amendments are not pressed and demanded to be withdrawn by leave of the House. I shall put the clause to the vote of the House. The question is:

"That clause 22 stand part of the Bill."

The motion was adopted.

Clause 22 was added to the Bill.

Clause 23 was added to the Bill.

Clause 24—(*Insertion of new sections 33B and 33C*)

Amendments made:

(i) Page 15, *for* lines 13 to 21, *substitute*:

"33B. *Power to transfer certain proceedings.*—(1) The appropriate Government may, by order in writing and for reasons to be stated therein, withdraw any proceeding under this Act pending before a Labour Court, Tribunal, or National Tribunal and transfer the same to another Labour Court, Tribunal or National Tribunal, as the case may be, for the disposal of the proceeding and the Labour Court, Tribunal or National Tribunal to which the proceeding is so transferred may, subject to special directions in the order of transfer, proceed either *de novo* or from the stage at which it was so transferred:

Provided that where a proceeding under section 33 or section 33A is pending before a Tribunal or National Tribunal, the proceeding may also be transferred to a Labour Court.

(2) Without prejudice to the provisions of sub-section (1), any Tribunal or National Tribunal, if so authorised by the appropriate Government, may transfer any

[Mr. Speaker]

proceeding under section 33 or section 33A pending before it to any one of the Labour Courts specified for the disposal of such proceedings by the appropriate Government by notification in the official Gazette and the Labour Court to which the proceeding is so transferred shall dispose of the same."

(ii) Page 15, line 29—

for "and proceed", *substitute*:

"to the Collector who shall proceed."

—[*Shri Khandubhai Desai*]

Mr. Speaker: The question is:

"That clause 24, as amended, stand part of the Bill."

The motion was adopted.

Clause 24, as amended, was added to the Bill.

Mr. Speaker: For clause 24A, new clause, there is no amendment which is moved.

Shri Tushar Chatterjea: Sir, I move it. I beg to move:

Page 16—

after line 2, *insert*:

'24A. *Amendment of section* 34.—To sub-section (1) of section 34 of the principal Act, the following proviso shall be added, namely:—

"Provided that in case any breach of any term of any settlement or award cognizance shall be taken by the court even on complaint made by the aggrieved party."

Mr. Speaker: The question is:

Page 16—

after line 2, *insert*:

'24A. *Amendment of section* 34.—To sub-section (1) of section 34 of the principal Act, the following proviso shall be added, namely:—

"Provided that in case of any breach of any term of any settlement or award cognizance shall be taken by the court even on complaint made by the aggrieved party."'

The motion was negatived.

Mr. Speaker: The question is:

"That clause 25 stand part of the Bill."

The motion was adopted.

Clause 25 was added to the Bill.

New Clause 25A

Amendment made: Page 16—

after line 9, *insert*:

"25A. *Insertion of new section* 36A.—After section 36 of the principal Act, the following section shall be inserted, namely:—

"36A. *Power to remove difficulties.*—(1) If, in the opinion of the appropriate Government, any difficulty or doubt arises as to the interpretation of any provision of an award or settlement, it may refer the question to such Labour Court, Tribunal or National Tribunal as it may think fit.

(2) The Labour Court, Tribunal or National Tribunal to which such question is referred shall, after giving the parties an opportunity of being heard, decide such question and its decision shall be final and binding on all such parties."

—[*Shri Khandubhai Desai*]

Mr. Speaker: The question is:

"That new clause 25A stand part of the Bill."

The motion was adopted.

New Clause 25A was added to the Bill.

Clause 26—(*Amendment of section* 38)

Amendment made: Page 16—

after line 21, *insert*:

"(aaa) the appointment of assessors in proceedings under this Act;"

—[*Shri Khandubhai Desai*]

Mr. Speaker: The question is:

"That clause 26, as amended, stand part of the Bill."

The motion was adopted.

Clause 26, as amended, was added to the Bill.

Clause 27 was added to the Bill.

Clause 28—(*Insertion of new section 40*).

Amendments made: (i) Page 17, line 16—

for "appropriate" *substitute* "Central".

(ii) Page 17, line 21—

add at the end:

"and every such notification shall, as soon as possible after it is issued, be laid before both Houses of Parliament."

—[*Shri Khandubhai Desai*]

Mr. Speaker: The question is:

"That clause 28, as amended, stand part of the Bill."

The motion was adopted.

Clause 28, as amended, was added to the Bill.

Pandit K. C. Sharma: I have tabled amendment No. 145 to clause 28.

Mr. Speaker: We are now applying the Guillotine.

Clause 29—(*Substitution of new Schedules for the Schedule.*)

Amendments made: (i) Page 17—

after line 29, *insert*:

"1A. Banking.

1B. Cement."

(ii) Page 18, line 3—

for "jurisdiction" *substitute*:

"Matters within the jurisdiction."

(iii) Page 18, line 7—

for "employees" *substitute* "workmen".

(iv) Page 18, line 8—

for "a person" *substitute* "workmen".

(v) Page 18, line 14—

for "Jurisdiction" *substitute*:

"Matters within the jurisdiction."

(vi) Page 18—

for line 29, *substitute*:

"conditions of service for change of which notice is to be given."

(vii) Page 18, line 32—

for "employees" *substitute* "workmen".

(viii) Page 19, line 9—

for "employees" *substitute* "workmen".

—[*Shri Khandubhai Desai*]

Mr. Speaker: The question is:

"That clause 29, as amended, stand part of the Bill."

The motion was adopted.

Clause 29, as amended, was added to the Bill.

Clause 30—(*Savings as to proceedings pending before Tribunals*)

Amendment made: Page 19, line 18—

omit "the said Act as amended by".

—[*Shri Khandubhai Desai*]

Mr. Speaker: The question is:

"That clause 30, as amended, stand part of the Bill."

The motion was adopted.

Clause 30, as amended, was added to the Bill.

Clause 31 was added to the Bill.

Clause 32—(*Amendment of Act XX of 1946*)

Amendment made: Page 19—

(1) *after* line 31 *insert*:

"(a) in section 2, for clause (i), the following shall be substituted,—

(i) 'workman' means any person (including an apprentice) employed in any industrial establishment to do any skilled or unskilled manual, supervisory, tech-

[Mr. Speaker]

nical or clerical work for hire or reward, whether the terms of employment be express or implied, but does not include any such person—

(i) who is subject to the Army Act, 1950 (46 of 1950), or the Air Force Act, 1950 (45 of 1950), or the Navy (Discipline) Act, 1934 (34 of 1934), or

(ii) who is employed in the police service or as an officer or other employee of a prison; or

(iii) who is employed mainly in a managerial or administrative capacity; or

(iv) who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

(ii) line 32—

for "(a)" *substitute* "(aa)".

—[*Shri Khandubhai Desai*]

Mr. Speaker: The question is:

"That clause 32, as amended, stand part of the Bill."

The motion was adopted.

Clause 32, *as amended, was added to the Bill.*

Clause 33—(*Repeal of Act XLVIII of 1950 and saving*)

Amendment made: Page 20—

for lines 31 to 39 *substitute*:

"(2) Notwithstanding such repeal—

(a) if, immediately before the commencement of this section, there is any appeal or other proceeding pending before the Appellate Tribunal constituted under the said Act, the appeal or other proceeding shall be decided and disposed of by the Appellate Tribunal as if the said Act had not been repealed by this Act;

(b) the provisions of sections 22, 23, 23A of the said Act shall, in relation to any proceeding pending before the Appellate Tribunal, be deemed to be continuing in force;

(c) any proceeding transferred to an industrial tribunal under section 23A shall be disposed of under the provisions of the Industrial Disputes Act, 1947 (14 of 1947),

and save as aforesaid, no appeal or other proceeding shall be entertained by the Appellate Tribunal after the commencement of this section, and every decision or order of the Appellate Tribunal, pronounced or made, before or after the commencement of this section, shall be enforced in accordance with the provisions of the said Act."

—[*Shri Khandubhai Desai*]

Mr. Speaker: The question is:

"That clause 33, as amended, stand part of the Bill."

The motion was adopted.

Clause 33, *as amended, was added to the Bill.*

Mr. Speaker: I was informed that the House agreed to concentrate on clauses 6, 13 and 22. Enough time has been given to those clauses.

Clause 1—(*Short title and commencement*)

Amendment made: Page 1, line 4,

for "1955" *substitute* "1956".

—[*Shri Khandubhai Desai*]

Mr. Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made: Page 1, line 1—

for "Sixth Year" *substitute* "Seventh Year".

—[*Shri Khandubhai Desai*]

Mr. Speaker: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

Shri Khandubhai Desai: I beg to move:

"That the Bill, as amended, be passed."

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

6-10 P.M.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, the 25th July, 1956.

DAILY DIGEST

[*Tuesday, 24th July, 1956*]

COLUMNS

MOTION FOR ADJOURNMENT 621—24

In view of the statement made by the Deputy Minister of Railways, the Speaker withheld his consent to the moving of an adjournment motion given notice of by Dr. Lanka Sundaram and Shri A. K. Gopalan regarding the alleged strike notices given by the Visakhapatnam Harbour and Port Workers Union.

PAPERS LAID ON THE TABLE 625-26

The following papers were laid on the Table:

(1) A copy of each of the following Reports, under sub-section (2) of section 37 of the Air Corporations Act, 1953 :—

(i) Second Annual Report of Air-India International Corporation——1954-55.

(ii) Second Annual Report of the Indian Airlines Corporation—1954-55.

(2) A copy of the Registration of Newspapers (Central) Rules, 1956, under sub-section 2 of section 20-A of the Press and Registration of Books Act, 1867, published in the Ministry of Information and Broadcasting Notification No. S. R. O. 1519, dated the 28th June, 1956.

COLUMNS

(3) A copy of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, under subsection (3) of section 28 of the Representation of the People Act, 1950, published in the Ministry of Law Notification No. S. R. O. 1509, dated the 11th June, 1956.

(4) A copy of the Proceedings together with the synopsis of proceedings of Committee 'C' on the Second Five Year Plan (Land Reforms and Agriculture including animal husbandry).

REPORT OF BUSINESS ADVISORY COMMITTEE—ADOPTED. 626—33

The Lok Sabha adopted the Thirty-eighth Report of the Business Advisory Committee presented to the Lok Sabha on the 18th July, 1956.

BILL PASSED . . . 633—806

Further discussion on the Industrial Disputes (Amendment and Miscellaneous Provisions) Bill was continued and the Bill was passed, as amended.

AGENDA FOR WEDNESDAY, 25TH JULY, 1956.

Discussion on the motion to refer the Bihar and West Bengal (Transfer of Territories) Bill to a Joint Committ e